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CHAPTER IV.

CONCERNING OBJECTS USED FOR IDOLS.--THE MANNER IN WHICH AN IDOL IS PROFANED SO AS TO BE ALLOWED FOR USE.--THE DISCUSSIONS BETWEEN THE ELDERS OF ROME ON THE ONE HAND AND R. LAMALIEL, THE PRINCE, ON THE OTHER.--HOW TO PREPARE WINE IN THE POSSESSION OF A HEATHEN FOR ISRAELITES.

MISHNA I.: R. Ismael says: Three stones near one another and beside the Merkules are prohibited; two stones in this position are allowed. The sages;, however, said: Only the stones that are close by it are prohibited, but those that do not appear to be so are allowed.

GEMARA: The opinion of the sages is easily explained, as they hold that the heathens worship also the fragments of their idols, accordingly they prohibit only the stones that are perceptibly near the idol. But R. Ismael's opinion presents some difficulty--viz: If he upholds the view that pieces are also worshipped, he should forbid also two stones; on the other hand, if he believes that the heathens do not worship broken idols, he should consistently allow also three stones near the Merkules! Said R. Itz'hak b. Joseph in the name of R. Johanan: The limit of proximity required in the Mishna is set down at four ells; now, R. Ismael believes that the heathen might make of the three stones a small Merkules beside the big one, but not of two stones; while the sages who do not entertain this belief merely regard these stones as fragments of the Merkules, hence they forbid only those that are visibly belonging to it irrespective of their number.

It once happened that the palace of King Janai was destroyed; thereupon came heathens and erected therein a Merkules; later on others came who did not worship the Merkules, took the stones and paved a street therewith. Some of the sages abstained then from treading upon these stones, while others were passing there; hereupon said R. Johanan: The son of the saints treads on them, should we abstain therefrom?

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[paragraph continues] Who was this son? R. Menahem b. Simai, so called because he would refrain from even looking upon the face of a coin. But why, this notwithstanding, were some shunning that street? Because they guided themselves by the opinion of R. Gidel, who said in the name of R. 'Hyia b. Joseph, quoting Rabh: Though the idol is capable of being profaned, yet the idol-sacrifice is not, and this admits of proof from here: "They clung to the Baal Peor and ate sacrifices of the dead idols," where a comparison is drawn between an idol-sacrifice and a corpse, to indicate that just as the latter remains but a corpse, so does the sacrifice remain unalterably an idol-sacrifice. In accordance with this, those sages who regarded these stones as idol-sacrifices, refrained from treading thereon, while the others held that stones cannot be regarded as sacrifices, since only those objects are regarded as sacrifices that were actually offered in the temple, which has never been the case with stones.

R. Joseph b. Aba narrated: Once Rabba b. Jeremiah, when visiting us propounded the following Boraitha: If a heathen takes stones from a Merkules and paves therewith the street, the Israelites are allowed to walk thereon; if, however, an Israelite did it, they are prohibited therefrom. And there is no artisan that could set right this Boraitha. (The difficulty is explained further on.) Said R. Sheshith: I, though not an artisan, will nevertheless attempt to explain it: The intricacy here implied is what R. Gidel said concerning the incapacity of an idol-sacrifice to be profaned, and is removed by reminding what has been shown above--viz: that these stones cannot be considered sacrifices.

R. Na'hman says in the name of Rabba b. Abuhu, quoting Rabh: If the worship of an idol consists in the rapping before it with a cane, and one breaks a cane before the idol in its honor, he is liable; furthermore, if it was yet a new idol never before worshipped, this act is considered a worship and renders the idol forbidden as well as the broken stick which is regarded a sacrifice. If, however, one threw a stick before an idol the worship of which consists in the throwing of sticks, the stick is not forbidden, but the thrower is liable. Thereupon said Rabha to R. Na'hman: The stick broken before the idol resembles the slaughtering in the temple, and is therefore forbidden; why, then, should not the cane thrown before the idol resemble the blood sprinkling in the temple, and be also forbidden? And he answered: Nay; the blood separates into drops through the

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sprinkling, while the stick, even when thrown, remains whole. If such be the case, why should, then, rejoined Rabha, stones be prohibited when thrown before the Merkules? Answered R. Na'hman: I myself, knowing no answer to this, inquired of Rabba b. Abuhu, who, likewise ignorant of it, asked R. 'Hyya b. Rabh, who addressed this question to his father, Rabh, and he said: These stones are forbidden because when thrown before the Merkules they enlarge it, thereby themselves becoming idols. Said Rabha: This explanation is plausible if we admit that the idol is prohibited immediately upon its completion, *i.e.*, before it was worshipped; but, as we know, there is yet the other opinion prohibiting it only after it was worshipped. How, then, according to this latter view, can the stone be forbidden? Said R. Na'hman: A stone thrown to Markules is, while being thrown, considered a sacrifice, and, upon falling in heap with the other stones, an idol; wherefor it renders prohibited also the stones lying there from before, for they were worshipped by its being thrown, and the stone itself is forbidden as soon as another was cast upon it in token of honor and worship. Rejoined Rabha: According to this explanation, the last stone would be allowed, inasmuch as it has not yet been worshipped. Said R. Na'hman: When you are only able to recognize the last one, go freely and take it. R. Asha, however, explained the matter thus: Each stone, by the fact of being thrown, is (as it is not worshipped otherwise) itself a sacrifice, and in the same time an idol for the other stone following; hence these stones are all forbidden.

R. Abuhu said in the name of R. Johanan: That one is not liable for slaughtering a blemished animal to an idol is deduced hence [Exod. xx. 20]: "Whoever offers to the gods beside the Lord be excommunicated," whence it follows that liability attaches only to such objects as are fit to be sacrificed to the Lord. Said Rabha: What kind of blemish has R. Abuhu in view? Hardly that of the eyebrows, since an animal with such a defect was accepted by the descendants of Noah for a sacrifice in the temple of the Lord; hence he has in view such animals that lack a limb, and agrees in this respect with R. Eliezar, who said: Whence do we know that the descendants of Noah are prohibited from offering an animal that lacks one of its limbs? From [Gen. vi. 19]:

"And of every living thing, of all flesh, too," etc. Living thing means such living being that wants none of its limbs, for from such animals sacrifices shall be offered in

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times to come. Thereto was objected: The expression "living" means to exclude but such animals that have a defect wherewith they cannot survive a full year. (Rejoined R. Eliezar): Such have already been excluded implicitly by the expression [ibid. vii. 3]: "To keep seed alive upon the face of all the earth," since they can neither bear nor produce offspring. But, was retorted, how is it according to those who do not share this opinion as to the reproductive incapacity? To them the word, *ihloch*, with thee, sufficiently indicates that Noah was ordered to take only animals resembling him in organization, and, *i.e.*, without defects. And for aught we know, Noah may have been himself defective? By no means; the Scripture calls him *tamim*, perfect; and that this attribute does not refer to his conduct is shown by the fact that he is called also *zadik*, upright. But maybe that he was perfect in conduct and upright in his dealings? Nay; this is no convincing argument that Noah may have been defective, for, had he been such, he, following the order, would have surely taken in only animals resembling him. But now that you make use of the *ihloch* to prove that Noah's animals were of necessity normal, what is the other phrase, To keep seed, etc., good for? This was meant to remind Noah that the animals are not for keeping him company, but for reproducing their species; hence he must not take in old or castrated ones.

R. Elazar said: If one slaughter an animal to Markules, he is liable, notwithstanding that Markules is worshipped by stone-throwing; for it reads [Lev. xvii. 7]: "They shall offer no more their sacrifices unto evil spirits, after which they have gone astray," hence no blood sacrifices even to such "evil spirits" that are worshipped otherwise; as the usual worship is prohibited already in [Deut. xii. 30], "How did these nations serve their gods? even so will I do likewise."

MISHNA II.: Money, garments, utensils found on the head of an idol are allowed; vine with grapes on, wreaths of corn ears, wine, oil, fine flour, and whatever is offered upon the altar, is prohibited.

GEMARA: Whence is this deduced? said R. Hyya b. Joseph in the name of R. Oshia: from [Deut. xxix. 16]: "And you saw their abominations, and their idols of wood and stone, silver and gold which they had with them"; and again [ibid. vii. 2 5]: "Thou shalt not covet the silver or gold that is on them." From the two wordings, "with them" and "on them" we conclude

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that whatever is found with or on the idol without being an ornament thereof is allowed, but is not, if an ornament. But why not draw the conclusion that, just as all that is with the idol is forbidden, so also is all that is on it, regardless of its being an ornament or not? If such be the case, the "on them" would be superfluous. But why does the Mishna allow money which is then, doubtless, for decorating purposes? Said the disciples of R. Janai: It is allowed only when it is hung in a sack round the neck of the idol, which makes the latter look like a carrier, and this is surely no ornament; furthermore, as to garments, they are allowed only when they lie folded on the head of the idol, which makes it look like a washwoman. Regarding utensils, R. Papa said: It means here that they lie on the head so as to disfigure the idol. R. Assi b. Hyya said: All objects within the curtain of the idol are prohibited, even water and salt; while outside the curtain only

decorating objects are forbidden.

MISHNA III.: The use of a garden or bathing-place belonging to an idol is allowed when it is gratis, but is forbidden when it is for remuneration. If they belong to both the idol and some people, their use is allowed unconditionally, whether gratis or for pay. The idol of a heathen is forbidden from the very beginning, while that of an Israelite is not forbidden until after it has been actually worshipped.

GEMARA: "*Their use is allowed unconditionally,*" etc. Said Abayi: "For pay" means that the idol-worshipper and not the priest is remunerated, while "gratis" means that neither is getting anything.

"*The idol of a heathen is forbidden from the very beginning,*" etc. The Mishna expresses here the opinion of R. Aqiba without, however, mentioning his name. For we have learned, it reads [Deut. xii. 2]: "Ye shall utterly destroy all the places whereon the nations you are about to drive out," etc.; this verse has reference to all the utensils employed by the heathens in their worship. If this be so, one could conclude that even such vessels are forbidden that were begun for idol-worship, but are not yet finished, or such that though finished, have not as yet been brought into the temple of the idol; wherefore it says in the quoted verse "in their worship," whence it follows that only what was employed at the worship is forbidden. It is in view of this that the sages prohibit the idol of a heathen not until after it was worshipped, and that of an Israelite from the

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very beginning. So said R. Ismael; R. Aqiba, however, said the very contrary of what the sages maintain--viz: an idol of a heathen is prohibited as soon as prepared, while that of an Israelite only when already worshipped.

The master said: The verse [Deut. xii. 2] has reference only to utensils employed by the heathens in their worship. But does the verse speak of utensils when it speaks of places? The answer is this: The verse in question cannot possibly refer to the places, as it is stated right after: "To their gods on the mountains," whence it was concluded that the gods but not the mountains are forbidden; consequently, neither can here be meant the places, hence it is the *objects* in the places that are meant, and such objects can be no other than the utensils in question. But further above it is said: The sages prohibit the idol of a heathen not until after it was worshipped. How could the sages commit themselves to such an inference from a verse where the vessels, and not at all the idol, are concerned? The answer is that the verse says, "All places where the nations worshipped their gods." Now, as previously explained, "the places" mean the vessels on them, hence, just as the vessels are not prohibited until after they were employed in idol worship, so also the idols are forbidden only after they were worshipped. On the other hand, R. Aqiba, who does not compare the vessels to the idols, may say that the particle *eth* divides the verse into two distinct parts. As to R. Ismael, he explains his position thus: As the idol of a heathen is forbidden only after its being worshipped, it is common sense that that of an Israelite should be forbidden from the very beginning; otherwise what difference would there be between the two? Surely not that the idol of an Israelite be altogether allowed, as it reads [Deut. xxvii. 15]: "Cursed be the man who maketh a carved or molten image," etc.; hence the curse is imposed upon the making of an idol. Well and good, but this verse does not prove as yet that the use of the idol is forbidden! It was answered that it is further expressly stated: "The idol is detestable to

the Lord," hence, prohibited. Now, how does R. Aqiba assert his position? Said Ula, from [ibid. Vii. 25]: "The graven images of their gods ye shall burn with fire," etc., which "images" surely means the likeness of the idol as soon as it is graven. As to R. Ismael, he understands this verse in the sense given to it by R. Joseph, who said: Whence do we know that a heathen may profane his idol? From "The images of their gods," etc.,

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which means that the idol is prohibited so long as the heathen treats it as a god, but becomes allowed as soon as he no longer treats it so, *i.e.*, breaks up some piece thereof. On the other hand, R. Aqiba proves that the heathen can profane the idol from the same source used by Samuel--viz. [ibid.]: "Thou shalt not covet the silver or gold that is on them," and ends, "Thou shouldst take it unto thyself"; this apparent contradiction he explains thus: Do not covet before the idol is profaned, but after its profanation you may take it. But again, whence does R. Aqiba know that the idol of an Israelite is not prohibited until after worship? Said R. Jehudah, it reads [ibid. xxvii. 15]: "Cursed be it, and putteth it in a secret place." This phrase, "in secret place," means, pours out before the idol his secret thoughts; hence, R. Aqiba concludes that it is forbidden only after such worship. R. Ismael, on the other hand, explains this phrase in the sense of R. Iz'hak, who says: This phrase teaches us that the idol of an Israelite must be wholly destroyed and put in a [secret](#) place; while R. Aqiba endeavors to prove this obligation by what R. Hisda said in the name of Rabh [Deut. xvi. 21]: "Thou shalt not plant unto thyself a grove, any tree near the altar of thy Lord," signifies that just as an altar that becomes out of use must be removed out of sight by being buried under ground, so also the groves (that are spoken of here in connection with the altar) must be put in secrecy. R. Ismael, however, infers from this verse what is said by Resh Lakish (Sanhedrin, p. 15, par. Resh Lakish, to the end).

R. Hamnuna questioned: What is the law concerning a vessel that, after a piece had been broken off it, was again made fit for use and then dedicated to idol-worship? Before proceeding to answer this question, one must know to whose idol this vessel was devoted; if to that of a heathen, both R. Ismael and R. Aqiba consider such vessels as serving vessels, which are forbidden not until after they have actually been used in the worship. Thus, the question must refer to the idol of an Israelite, and, since R. Aqiba, who prohibits the idol of an Israelite only after worship, will doubtless do the same as regards the serving vessel in question, it can be treated only in the light of R. Ismael's opinion, so that it is necessary to know in the first place whether such serving vessels are subject to the same rules as the vessels of a heathen's idol are. If yes, they are forbidden after the use; but if they follow the rules of an Israelite's idol, they are forbidden from the very beginning. But why does

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[[paragraph continues](#)] R. Hamnuna ask concerning a repaired and not a newly-made vessel? The answer is that his question has, in fact, reference to the problem of old defilement. As the following Mishna (Kelim, xi. 1): "Of metallic vessels the flat and hollowed ones are subject to defilement; if, however, they were defiled and broke they become clean. But if they were again made into vessels, the old defilement returns." Now, R. Hamnuna was in doubt as to whether this Mishna is concerned with biblical defilements only, or also with rabbinical defilements. But if so, why does not R. Hamnuna put his question regarding rabbinical defilements in general? His desire was that his question, embrace also the other point--viz: Does a rabbinical defilement return? And should you decide that it does not, then the question arises: How is the case with

idolatry? Shall we assume that, because of the rigorousness of idolatry, a rabbinical be equivalent to a biblical or not? This question remains undecided.

R. Johanan asked R. Janai: I should like to know whether or no food offered to an idol, if profaned, loses thereby its defilement (which lay therein by reason of its being of the idol)? But why does he ask about food and not about vessels? Because he knew that the remedy for devoted vessels is a legal bath, which abolishes also the defilement. Furthermore, R. Johanan does not ask whether or no an idolized food, if worshipped and then profaned, still defiles; because he knows that a profaned idol is no longer forbidden, hence, its defilement is also abolished. But he put up the foregoing question merely because R. Gidel said somewhere above that all objects sacrificed to idols can never be profaned, so he wants to know now whether R. Gidel's theory applies to the prohibition which is biblical, but not to the defilement which is rabbinical, or to both? Also this question remains undecided.

R. Jose b. Saul asked Rabbi whether the vessels used (in the temple of Egypt) in the house of Chania, are allowed for use also in the temple of Jerusalem? This question suggests that R. Jose shared the opinion of those who say: The temple of Egypt was not considered an idol temple. It was, however, taught that the priests who served in the Chania temple are not allowed to serve in that of Jerusalem, the less so are those who served at idol-worships. He thus wanted to know whether the vessels follow the same rules as the priests; or since the priests are endowed with intelligence they were fined. But the vessels

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destitute of intelligence should not be fined, or there is no difference? Hereupon said Rabbi: Yea; they are prohibited and there is a verse from Scripture to corroborate this, but I forgot it. R. Jose thus objected, it reads [II Chron. xxix. 19]: "All the vessels which King Achez had cast aside . . . have we put in order and sanctified." Does not "put in order" mean a legal bath and "sanctify" to bring back to sacredness, whence it is obvious that even such vessels that were used in idol-worship are allowed to be brought into the temple for use, after passing through the legal bath (the more so are allowed the vessels of the Egyptian temple)? Thereupon said Rabbi: The blessing of the Lord upon you: you have recalled to my memory the forgotten verse! "Put in order" means to hide them, and "sanctify" to substitute them by other vessels. Is Rabbi's interpretation supported by the following Mishna (Midath, i. 6): There was a pantry in the temple, where the Maccabees heaped up the stones of the altar defiled by the Greeks; and R. Sheshith said: The Greeks have defiled the altar by their idol-worship, and though these stones are allowed for private use, yet they were not used in the temple. (Similar was the case with the vessels of the Egyptian temple, which were allowed only for private use)? Said R. Papa: From the case of the Maccabees is no support at all, since the stones there were prohibited even for private use, the Maccabees guiding themselves by [Ezek. vii. 21]: "And I will give it up into the hands of the strangers . . . and they shall pollute it"; so that they could not do otherwise, for, in order that the stones be again allowed, they must be first profaned by breaking them, which is not permitted to do, as by law "*whole* stones must be used to build an altar"; nor could the stones be sawed into two (thereby becoming profaned), since the law forbids "to bring iron thereon"; so that as there was no means to profane the said stones, they were of necessity set aside. But why did not the Maccabees have the stones profaned by a heathen and make of them private use? They could not do even this, for as R. Oshia said: The sages wanted once to forbid all use of gold and silver, because the enemy carried off the gold and silver of the temple, it was, namely, feared that the money coined therefrom might reach the Israelites, and by law it is prohibited to

make use of what belongs to the sanctuary. It was, however, objected: How could the sages have conceived such a wish, the gold and silver of Jerusalem forming but an infinitesimal part of those in the whole world, and the smallest can never render

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prohibited the greatest part. Abayi explained the words of R. Oshia thus: The sages wanted to forbid not all the gold and silver, but only the gold and silver dinars issued by both the kings Hadrian and Traion, on which the image has become of late undiscernible, and which were surely coined of the gold and silver of the temple. However, when their attention was called to the verse, "And will give it into the hands of strangers, etc., they abandoned the idea, seeing that an object once profaned is allowed for private use. Now, as to the altar, it was a sacred place to bring offerings to God, which is not the case with the gold and silver; hence it is below dignity to use its stones in private.

MISHNA IV.: A heathen can profane his idol as well as that of his neighbor. An Israelite cannot profane that of a heathen. The idol once profaned, all that pertains to its service is abolished; on the contrary, if only the pertainings were profaned, they alone are allowed, but not the idol.

GEMARA: Rabbi taught to Simeon his son: A heathen may profane his idol as well as that of his neighbor; said he to him: Master, in your youth you used to teach that a heathen profanes his idol as well as that of an Israelite. (Says the Gemara): Can then an Israelite's idol be profaned? Was it not said above that such can never be profaned? Said R. Hillel b. R. Wells: He spoke then of the case where the heathen owned the idol with the Israelite in partnership. But let us see what was the reason of both his statement in his youth and in his advanced age. In his youth he thought that if an Israelite worships an idol, he does it with the knowledge of the heathen, hence the heathen, when profaning his part, profanes also that of the Israelite; while in his later days he came to the conclusion that the Israelite is worshipping on his own account, hence the heathen profanes only his own part, that of the Israelite remaining unprofaned.

There were others who taught the statement of R. Hillel. as concerning the latter part of our Mishna: An Israelite cannot profane that of a heathen. And to the question, is this not self-understood? Said R. Hillel b. Wells: It refers to a case where an Israelite and a heathen are the joint owners of the idol, in which case the former can profane neither his nor the heathen's part, while the latter may his own part but not that of the Israelite. Others, however, bring this, R. Hillel's explanation, in connection, not with the Mishna, but with the Boraitha following.

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[paragraph continues] R. Simeon b. Menasia said: The idol of an Israelite can *never* be profaned; and this "never" R. Hillel b. Wells interpreted to mean that, when an Israelite and a heathen are the joint owners of an idol, the latter, by profaning his own part, does by no means profane the other's part, though it may be assumed here that the Israelite is a partner to the idol only out of complacency to the heathen. And he comes thereby to teach us that an Israelite worships an idol not on the knowledge of the heathen, but on his own.

MISHNA V.: How is an idol to be profaned? By cutting off the tip of its ear, the point of the nose, or the ends of the fingers, or by disfiguring its face with a hammer, even if thereby nothing

is broken off. But if he only spat or urinated before it, dragged it about in the dirt, or cast such upon it, it is not profaned. If a heathen sold or pawned his idol it is profaned according to Rabbi, but not according to the sages.

GEMARA: "*Disfiguring its face with a hammer*," etc. Why should it be profaned when nothing of it was lost thereby? Said R. Zera: Because it has thus been made unrecognizable.

"*But if he only spat*," etc. Whence is this deduced? Said 'Hiskia, from [Is. viii. 21, 22]: "And when they shall be hungry, they will become enraged and curse their king and their god . . . and they will look unto the earth," etc., which means: Though the heathen curse his king and god and look up to the true God, he will still turn his eye back to the earth to worship his idol.

"*If a heathen sold*," etc. In respect of this part of the Mishna Zeera in the name of R. Johanan and Jeremiah b. Abba in the name of Rabh expressed thus their respective opinions. The one says: The decision of the sages regards only the case when the heathen sold or pawned the idol to a *heathen* jeweller, but if to a Jewish one all agree that it is profaned; while the other holds that they differ also regarding the latter case. The schoolmen asked: According to the latter view, how should the Mishna be interpreted? Does Rabbi mean here that the idol in question is profaned *only* or *even* when sold or pawned to a Jewish jeweller, but if to a heathen he agrees with the sages? Come and hear. Rabbi said: My view is correct in case the idol is sold to be destroyed, and that of my colleagues, if to be worshipped. But broken and worshipped must have here some specific meaning, for otherwise we should obviously have no two opinions on the subject. And indeed, Rabbi intends

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to say: An idol sold to an Israelite who will surely not worship, but *break* it, while the sages speak of an idol sold to a heathen who will surely not break, but *worship* it; hence they differ in both cases? Nay; it may be said that Rabbi's statement means this: My view is accepted by my colleagues, when the idol was sold to be destroyed, as they differ only when sold for worship--to a heathen jeweller.

The rabbis taught: If an idol is pawned by a heathen, or it is buried under the ruins of an old fallen house, or is stolen by burglars, or, finally, is left standing alone by the heathen, who went to the sea-countries, the question arises whether or no the heathen had in mind to come back to it, as such was the case in the time when Jehoshua had war with the Amorites; if he had, the idol is not profaned. It is obvious that all the four cases must needs be stated. The first case implies that the heathen wants to have the idol back, while in the second, the idol being left under the ruins, the heathen may be thought as renouncing it, whereby it is profaned; hence the second statement. In like manner does the third case imply something different from the contents of the preceding cases: The ruins can possibly be removed, but a burglary is less likely to be returned. Finally, the fourth case teaches us again something new--viz: while in the third case the heathen may yet think that the idol fell into the hands of *heathen* thieves and they will worship it, or even if they be Israelites, they will sell it to heathens, they themselves, having no use of it; in the fourth case he abandons the idol of his own will, since he has not taken it along with him. Hence all the four cases must be taught. Now, the concluding sentence of the Boraitha must be thus understood: If the heathen has his mind to come back as the Amorites did, it is necessary to treat the idol in the same way as it was treated at those times--namely: Not to regard it as profaned, but rather to annihilate it altogether. But did the Amorites ever return? There was nothing of the

kind! The answer is that if he has in mind to return, his idol must be treated as in the war of Jehoshua (though the Amorites have not returned). But if so, why the comparison with Jehoshua's times? The Boraitha intends to teach by the way yet what R. Jehudah said in the name of Rabh: If an Israelite erects a brick to worship it, but does not worship, and a heathen comes and worships it, it is prohibited, notwithstanding the rule that no one can render a thing unallowable that is not his own; here the motive of the Israelite is

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determining. How does R. Jehudah substantiate this his opinion? Said R. Elazor: He bases it on the proceedings of the Israelites upon their entering the promised land; for it reads: "Their groves ye shall burn with fire"; here, too, one could then wonder and say: The holy land, having been promised by God to Abraham and his descendants, belonged to the Israelites and not to the Amorites; how, then, could the latter have rendered unallowable these groves that were not their own? If you are ready to assume that these groves had sprung up before the promise, then you must regard them as the idol of a heathen, whose profanation, as we have seen above, suffices! Why then did not the Israelites compel the heathens to profane it and then use it? Why were they ordered to burn it down? In view of all this the verse, "Their groves," etc., must be thus explained: The promised land is indeed regarded the ownership of the Jews, and as Israel, by his worship of the golden calf in the wilderness, exhibited his inclination toward idol-worship, the grove is considered the idol of a Jew, worshipped by heathens only in accord with the Jews, and as such can by no means be profaned, but must be annihilated. And the case here with the brick is perfectly analogous. However, is the conclusion from the golden calf to the grove warranted? The Israelites might have been inclined exclusively toward calf-worship? Nay; they declaimed at that time before the calf: These are your *gods*, O Israel! whereby they must have meant a *variety of gods*, toward which they felt disposed. Finally, that the prohibition was extended to *all* groves and not only to those that were the contemporaries of the calf and which the Israelites repented, is due to the fact that there was no possibility to distinguish between old and newly-planted groves.

MISHNA VI.: An idol abandoned by its worshippers in time of peace is allowed, but is forbidden when abandoned in time of war. Altars erected for kings are allowed, for the idol is put on them only when the kings pass.

GEMARA: R. Jeremiah b. Abba said in the name of Rabh: The House Nimrod has the same regulations regarding idols as those abandoned by the owner in time of peace, because, though scattered all the world over as if driven about by war, it had the choice to return home and get its idols, and by not doing so it showed a lack of interest in them, hence they are allowed.

"*Altars erected for kings*," etc. Are they not, after all, altars of the idol? Said Rabba b. b. 'Hana in the name of R.

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[paragraph continues] Johanan: It means to say that the priests prepare the altars for the king, but he takes another road, so that no idols nor offerings come upon these altars. Ula, on his return from Palestine, alighted on one of such altars that was broken; R. Jehudah, on noticing this, asked him why he acted thus after both Rabh and Samuel had forbidden all use of such an altar when broken; and even he who says that broken idols are no longer worshipped and hence are

allowed, does not assert the same with regard to altars, as it would be disgraceful to worship a broken idol, but upon a broken altar an idol may always be put. Hereupon replied Ula: My respect for Rabh and Samuel is so great that I should readily fill my eyes with the ashes of their corpses; none the less I cannot help refuting this opinion, for R. Johanan and Resh Lakish said: An altar upon which idols are habitually placed is, when broken, allowable; furthermore, even he who holds that fragments are worshipped allows such an altar, as he namely says: The broken idol is always, even when broken, worshipfully regarded by the heathen, while no godliness is even imputed to an altar--it is but a mere stand for idols--so that as soon as it is broken, it is set aside without any regard. The following Boraitha expresses the same view of R. Johanan and Resh Lakish: An altar used as a stand for idols is, when partly broken, allowable; however, an altar used for sacrifices is, when broken, forbidden, until most of its stones fall apart.

Which are the marks distinguishing the altar for sacrifices from that used as a stand? R. Jacob b. Aidi said in the name of R. Johanan: The latter kind consists of but *one* stone, while the former of several stones. 'Hiskia adduces a verse to this effect [Is. xxvii. 27, 9]: "When he maketh all the stones of the altar as limestones, that are beaten in pieces, when there shall notarise again any groves and sun images," *i.e.*, only when they are turned to lime no image is put on them, nor sacrifice, then only is their use allowable.

There is a Boraitha: If one worships one's own animal, it is prohibited from being used as a sacrifice in the temple, but not if it is his neighbor's. There is a contradiction from the following Thosephtha: All cattle is regarded as worshipped, immaterial whether the worship took place by mistake or intention, by compulsion or free will. Now, what other could be the meaning of compulsion than that one forces into his house an animal of a stranger and worships it? Hence, cattle of a stranger is prohibited, too, through worship. Thereupon said

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[paragraph continues] Rami b. 'Hamma: The word compulsion means that heathens compelled him to worship his own animal.

R. Zera opposed: Does not the Scripture free a culprit by compulsion? [Deut. xxii. 26]: "And to the damsel ye shall do nothing," etc. Therefore said Rabha: The prohibition of worship was general, but from the expression [Levit. xviii. 5]: "He shall live in them," whence the rabbis infer but not "he shall die in them," compulsion was excluded; however, thereafter it reads again, "He shall not profane my holy name," whence the rabbis infer that even if compelled, which, too, would apparently contradict each other. The explanation is that compulsion imposed privately is excused, but if publicly, one must not yield to it. Said the rabbis to Rabha: There is a Boraitha that supports your opinion: The altars of idols remain prohibited even after the evil decrees of the government have ceased. Rejoined Rabha: If only this, it cannot be a support to my opinion, for there may have been an apostate Jew who worshipped it willingly. Said R. Ashi: Do not say "may have been," as it is *certain* that there was such, and therefore the prohibition remains forever. 'Hiskia, however, said that the above-mentioned forcing of the neighbor's animal to worship means if he pours wine between its horns for the idol, and not worshipped by bowing to it. R. Adda b. Ahaba, however, opposed: Can, then, this be called worship? One can worship an idol, while by pouring wine on the animal for the idol he makes it only for an altar, and a living creature is not forbidden when used in the service to the idol.

Therefore said R. Adda b. Ahaba: 'Hiskia must have meant: When the animal is itself made

some idol and then the wine poured to honor it, it is forbidden, which view coincides with what Ula said in the name of R. Johanan when returning from Palestine: Although strange cattle is rendered forbidden by worship, yet it is prohibited as soon as some act has been performed on its body. Said R. Na'hman: Go tell Ula that R. Huna taught us this, having explained this Halakha long ago in Babylon: An animal resting in the proximity of an idol becomes unallowable, as soon as one cuts through its gullet or windpipe for the sake of the idol, and be it the ownership of another one. Now, upon what can this view be based? The report of the Boraitha concerning the barring of priests, who were compelled to become such of an idol, from services in the Jerusalem temple, contains hardly an analogy of compulsion; because a priest

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could flee and thus save himself, while an animal destitute of intelligence could not. Nor can the Mishna, treating of the Maccabees, who set aside the altar-stones upon which the Greeks committed some act to honor an idol, be adduced as a basis, for R. Papa explained it already, saying [Ezek. vii. 22]: "I turn my face from them, that they may pollute my treasure," shows that the temple was profaned by the arrival of the Greeks, and hence was no longer the ownership of God, but considered as that of the Greeks. Thus, the view in question can be based but on this passage [II Chron. xxix. 19]: "And all the vessels which King Achaz had cast aside . . . have we put in order and sanctified"; and the master said that they were hidden and substituted by others, *i.e.*, they were prohibited. Now, these vessels were not the ownership of Ahaz, and hence by his worship he could not possibly profane them; we must thus assume that he committed with them some act of honor to the idols, whereby he rendered them forbidden, and here is applied the same rule in respect of cattle.

R. Dimi, on his return from Palestine, said in the name of R. Johanan: Although the sages taught that, when one bows to uncultivated ground, saying: This be my god, the ground is thereby not forbidden; yet if he dug graves, pits or caves as an idol, the ground is prohibited. R. Samuel b. Jehudah, on his return from Palestine, said in the name of R. Johanan: It is true the sages said that an animal worshipped by others than its proprietor is not forbidden; yet the animal obtained by the idol-worshippers in exchange for an idol is forbidden. Rabin, when back from Palestine, said: Concerning this topic R. Ismael b. R. Jose and the sages have expressed two opinions, but it is not known who said which. The one prohibits an animal exchanged for an idol, but allows the second animal obtained in exchange for the first. The other opinion prohibits the second animal, too, basing itself upon [Deut. Vii. 26]: ". . . lest thou become accursed like it"; hence, it appears that whatever comes from the accursed is *like it*, and is accordingly forbidden.

MISHNA VII.: The Jewish elders were asked by the philosophers at Rome: If God is displeased with idol-worship, why does he not destroy the idols? And they replied: If the heathens worshipped but things not needful to the world, he would surely annihilate them; but the fact is that they worship the sun, moon, stars and planets; should then God destroy his world on account of these fools? Then retorted the others:

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[paragraph continues] Let God destroy the unnecessary objects and leave the other? that are needed for the preservation of the world. Replied the elders: If he did so, the idol-worshippers would but be confirmed in their belief and say: Here you see that these are gods, for they are indestructible.

GEMARA: The rabbis taught: The philosophers once questioned the elders at Rome: If your God is displeased with idol-worship, why does he not destroy the idols? And they replied: If the heathens worshipped but things not needful to the world, he would surely annihilate them; but they worship the sun, moon, stars and the planets; shall he destroy the world because of the fools? But the Lord allows the world its natural course, and as to these fools who spoil it, they will not escape punishment--in other words, when some one steals wheat and sows it, the seed should not bear fruit by reason of its being stolen; but nay, God lets nature her course, while to the thief will be meted his due. In like manner, adultery is not barren on its own account, but the culprit is not spared. Resh Lakish says something to this effect: The Holy One, blessed be he, says: Not only do the wicked of this earth forfeit my coin, but they force me yet to put my stamp thereon.

A philosopher once asked Raban Gamaliel: Your law says [Deut. iv. 24]: "For the Lord thy God is a consuming fire, yea, a watchful God"; why is it that he is so watchful with regard to the worshipper and not to the idol? Said Raban Gamaliel: I will answer your question by a metaphor: Suppose a king's son names his dog with the father's name and swears, whenever he does, by the life of this dog; the father, once informed about this, will he get angry at his son or at the dog? Naturally enough, at the son. Thereupon said the philosopher: You call the idol dog, which is not feasible, since the idol has loftier gifts. You ask which are these? Why, once a conflagration consumed all our city, and the idol temple remained intact. Answered R. Gamaliel: I shall use again a metaphor: A province once revolted against the king; against whom do you suppose he used his weapons, against the living or against the dead? Naturally enough, against the former. Said the philosopher: You style our gods dogs and dead; well, then, when they really are so worthless why does not God annihilate them altogether? Yea, he would surely do it, was the reply, were they not of objects useful to the preservation of the world, such as are the sun, moon, stars, planets, mountains and

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valleys, for it reads [Zeph. i. 2, 3]: "I will remove utterly all things from off the face of the earth, saith the Lord. I will remove man and beast; I will remove the fowls of the heaven, and the fishes of the sea, and the stumbling blocks of the wicked." That is to say: The Lord wonders, shall I do this when the heathens worship man, too? I should have then to destroy the whole universe!

Agrippus, the general of Rome, said to Raban Gamaliel: "The Lord, thy God, is a consuming fire," etc. In our everyday life we find it to be the rule that a potentate is but jealous of his equal, a sage of another sage, a hero of another hero, a rich of another rich; now, then, if God is jealous of an idol, the idol must be of some power! R. Gamaliel explained it to him with the following metaphor: If one who has a wife, takes yet another one, the former will not be jealous unless the new wife be a nothing compared with herself.

An Israelite named Zunan said to R. Aqiba: I know just as well as you do that the idols are nothing, yet I should like to know, how is it that so many cripples are cured by the idols in their temples? Replied R. Aqiba: Listen to the following parable. There lived once in a town a pious man who enjoyed the unlimited confidence of his fellow townsmen so that they would deposit with him money and were it without any witness, with the exception, however, of one who would leave with him nothing without witness. It once happened, however, that this exceptional

man left something in the hands of the other without any security; thereupon said the wife of the latter: Now we shall revenge on that distrustful man his mistrust to us, let us deny that he has a deposit with us; retorted her husband: Because of the short-comings of his understanding shall I put my reputed name on stake? No; this I shall never do! The same is the case with debility, disease and pains visited upon man; they are under oath assigned a certain time, no more, no less, during which to torture a man; it is further predestined by what man or what medicine the disease be eliminated. Now, when its time is off, the afflicted goes to the idol-temple; the disease protests, saying: because the man takes recourse to the idol, I should not abandon him, but as I am bound by oath I should not break it on account of this foolish man; thus the disease leaves him and he believes that it was the work of the idol. R. Johanan explained it from [Deut. xxviii. 59]: "Then will the Lord render peculiar thy plagues . . . and sicknesses

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sore and *neemonim*" (literally trustful); sore, for the man suffers therefrom, and trustful, for it never breaks its oath.

Rabha b. R. Itz'hak said to R. Jehudah: There is an idol in our town, and whenever there is drought by us, it comes in dream to the priests, saying: Sacrifice a human being to me and you shall have rain; and this condition fulfilled, it in reality begins to rain. Thereupon said R. Jehudah: You may esteem yourselves fortunate that I am yet among the living, for were I dead, I should not be in a position to communicate to you what Rabh said thereabout--viz.: it reads [ibid. iv. 19]: "And that thou lift not up thy eyes unto the heavens, and thou seest the sun, and the moon and the stars, all the host of heaven, and be misled to bow down to them . . . which Lord thy God hath assigned unto all nations it"; you see from here that God has given some power to some worshipped objects for the purpose of barring their worshippers from the world to come. And this is what Resh Lakish says elsewhere, it reads [Prov. iii. 34]: "If it concern the scornful, he will himself render them a scorn, but unto the lowly lives he gives grace," whence, if one comes to defile himself, the door is opened to him, while when one comes to cleanse himself, he is supported.

MISHNA VIII.: It is allowable to buy a wine-press from a heathen even while he takes grapes therefrom and puts them into the heap of grapes. The wine is not considered offered ere it reaches the reservoir, while upon reaching it all that is in it is (provided the heathen touches it) forbidden, the rest is allowed. It is allowed to tread but not to gather the grapes jointly with a heathen. It is forbidden both to tread and to gather with an Israelite who prepares the wine while he is unclean; it is, however, allowed to help him convey empty casks to, and then filled ones back from, the press. It is forbidden to assist a baker, who, in a state of uncleanness, prepares his bread, in kneading or ordering, but one may help him carry the bread to the dealer.

GEMARA: R. Huna said: As soon as the wine trickles from the grapes, the touch of a heathen renders it unallowable. It was objected thereto from the Mishna: "It is allowed to buy a wine-press," etc., whence it is manifest that the wine on beginning to trickle is not forbidden. Whereupon it was rejoined: R. Huna. understands that the press in question is propped up at the bottom, and that an Israelite filled it first with grapes, the heathen having added some not until later. Come and hear another objection! The Mishna goes on to say: . . . while

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upon reaching the reservoir all the wine that is in it is forbidden, the rest is allowed, whence, only the wine that flows down is forbidden; said R. Huna, the sages have afterward retracted this Mishna, as in the following Boraitha: The rabbis held originally that it is not allowed to gather grapes jointly with a heathen, for what the latter gathers is unclean and defiles by touch the grapes gathered by the Israelite, which are considered wine. They further warned against contributing toward the conditions defiling the fruit in Palestine, as well as against assisting an Israelite who defies the rules of cleanness, in treading the wine-press, because one must not help a transgressor in his work; while the heathen may be aided, for he is not bound by the rules of clean and unclean. Finally, the wine does not become offered by the sole fact of treading, for R. Huna's opinion on this point has been rejected. However, the sages, as said above, retracted this view, asserting: Assistance to a heathen in treading is forbidden, for the grape-juice is offered wine immediately upon trickling, so that the assisting Israelite would get remunerated for working on what is not allowed; Such is also R. Huna's opinion. Nor is it allowable to gather or tread grapes with an Israelite who defies the rules of cleanness, for every Israelite is obliged to give from his fruit Teruma to the priest, and here the clean grapes are rendered unclean by the others, thus defiling also the Teruma, which is not allowed as to a heathen, it is allowed to gather with him, as he is free from Teruma, and fruits exempted from Teruma may be caused to be defiled even in Palestine.

"*The wine is not considered offered ere,*" etc. Concerning tithe, however, there is a Mishna that it is obligatory as soon as the grape-pits swim up, since this is an index of wine. Said Rabha: This presents no difficulty; as regards tithe we have the opinion of R. Aqiba, while the Mishna is in accordance with the other sages; as a Mishna states: In the case of tithe, the index of wine is its flowing into the reservoir. R. Aqiba, however, says: It is the swimming up of the grape-pits. Hereupon it was asked: How should this *swimming up of the pits* be understood? Does it refer to the case when the wine, after filling the reservoir to a certain point, causes the pits to rise to the surface, or to the case when the wine is already in the casks, and during its fermentation the pits come up to the surface? Come and hear the following Boraitha: It is called wine when the pits swim up; accordingly, it is allowed to drink the wine from the

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press as well as from the pipe connecting it with the reservoir, whence it is obvious that the first of the two cases is referred to. But has not R. Zebid taught this Boraitha in the name of the disciples of R. Oshia, as follows: It is called wine when poured into the reservoir and when the pits swim up, while R. Aqiba requires its being put yet into the casks; from here it is apparent that the sages as well as R. Aqiba are involved in a contradiction, from which to extricate them is necessary to interpret the former version of the Boraitha in the light of R. Zebid's Boraitha. Now, taking account of the Mishna, we shall have *three* opinions regarding the here-disputed point. The Mishna declares it wine when it reaches the reservoir; the sages when, the wine being therein, the pits swim up; finally, R. Aqiba, not before it is in the casks? The answer is that the Mishna may be so interpreted as to agree with both the other views, since the sages and R. Aqiba differ only in as far as the index of wine for *tithe* is concerned, while the Mishna treats of the index of wine to become offered which is very rigorous. As to Rabha, however, he must rest satisfied with the three opinions as opposed to one another, as he makes no difference between the said cases.

"*What is in it is forbidden, and the rest is allowed.*" R. Huna explains this as follows: The rest in the press is allowed only when the cleansing basket through which the wine passes on its way

from the press to the reservoir in order to be cleaned of the husks, is not again emptied into the press. But why should the contents of the basket be forbidden, the heathen having touched only the wine in the reservoir? There can hardly be another reason than that the wine of the upper vessel and flowing into the lower one be considered as a whole, and that the flow thus connects the two wines into one? And yet this question, as to whether or no the flow be a connecting link between the two wines in the above sense, propounded elsewhere, has found no satisfactory answer. And as our foregoing discussion has not been resorted to in this connection, it must not be assumed that the flow is no connecting link, but as R. 'Hyya explains it: When the two vessels are full of wine so that, their mouths being near, the wines touch each other, they are regarded as one wine. Accordingly in our case the reservoir must be so full of wine as to touch the basket, so that when the contents thereof are emptied into the press, what is in the latter also becomes forbidden.

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It is related of a boy who in his sixth year was well versed in the Tract Idolatry. Once he was asked whether an Israelite and a heathen may jointly tread a wine-press? His answer was in the affirmative, notwithstanding R. Huna's negative view. And to the objection that the heathen renders the wine forbidden by his touching the grapes, the boy retorted: Have the hands of the heathen wrapped up with cloth, so that he might not touch the grapes with *bare* hands. Finally, upon being further asked that the heathen may touch the grapes with his feet, he replied that touching by foot is not considered.

It once happened that an Israelite and a heathen jointly hired and worked a wine-press in the City of Nahardea; R. Samuel, asked as to how to behave with regard to this wine, hesitated to answer until after three festivals during which the sages were in assembly; for he wanted to first propound this question to them. The question arises, why was he anxious to hear the opinion of the sages? If because he expected to find one of them entertaining the opinion of R. Nathan, then we must say that he wanted to prohibit all benefit of this wine; for it was taught: If the heathen measures out the wine with the hand or foot, Israelites must not drink it, but it may be sold to heathens; while R. Nathan prohibits all benefit of wine measured by hand. But now that R. Nathan makes no reference to the measure by foot, it must be assumed that Samuel was not waiting for his opinion, but he rather expected to find one of the sages in favor of R. Shimon's view, which allows the wine, even to consume, provided it was not touched by the heathen intentionally.

It once happened at Biram that a certain heathen climbed up a palm-tree to get down some branches. On coming down he unwittingly touched with one of the branches a cask of wine. Rabh was asked on the point, and he prohibited Israelites from drinking this wine, allowing, however, its sale to heathens. Thereupon R. Kahana and R. Assi interposed: I-lave you, master, not yourself taught that even a one-day-old child of a heathen renders the wine prohibited when touching it? And in this case there is surely no intention involved! Answered Rabh: I prohibited only to *drink* it, but not to sell it and use the money thereof.

The text says: Rabh holds "that even a one-day-old child of a heathen," etc. R. Shimi b. Hyya advanced the following objection: When one buys slaves from a heathen, has them circumcised but not bathed in the legal bath, the place they tread

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on as well as what they spit out, is unclean. Precisely the same is the case with the acquired children of a female slave; but according to others the children are clean. In the case of wine the same rule holds: Adults render it forbidden by touch, but not children. What is an adult? When already familiar with the nature of idol-worship, and is considered a child before that period. We see, then, from this Boraitha, that contrary to Rabh's position, a child does not make the wine unallowable by mere touch? The answer is that the "child" spoken of in this Boraitha is one born of a female slave in the house of an Israelite; as to other children, inclusive of slaves bought of a heathen, Rabh's precept holds good. But here is another question. The Boraitha says: The same is the case with the children of a female slave, which would suggest the inference that there is no difference between a slave bought, or one brought up in the house of an Israelite. The answer is that this phrase refers only to their spittle and the place trodden on by them. However, this explanation is correct according to him who says that these are unclean, but what according to him who declares them clean? He comes to teach us that adult slaves bought, circumcised and then legally bathed, do not make the wine forbidden by touch, just as the children of a female slave. The Boraitha states this in order to exclude the opinion cited by R. Na'hman in the name of R. Samuel to the effect that when an Israelite buys slaves from a heathen, has them circumcised and legally bathed, they none the less render the wine forbidden all the time, till they cease to mention the name of the idol and wholly forget it. And how long is this time? R. Jehoshua b. Levi set the limit of this period at twelve months.

In the town Mechusa a heathen once happened to enter the house of a Jewish wine-seller, who answered his question as to whether he sells wine, in the negative. The heathen, noticing on the table a little wine in a vessel with which the Jew used to serve wine, put his hand right into it, saying: Is not this wine? The host, excited over this misdeed, emptied the vessel back into the cask; so that he had to consult Rabha what to do with the wine? He advised him to sell it to heathens. When R. Huna b. 'Hinna and R. Huna b. R. Na'hman heard of this incident, they said that all benefit of this wine is forbidden. Thereupon, Rabha heralded that the wine may be sold to heathens; while the both Hunas let herald the opposite. Some time after, R. Huna b. R. Na'hman happened to be in Mechusa where

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[paragraph continues] Rabha resided; so Rabha instructed his servant not to admit anybody at the time when Huna will be by him, since they, two, will be busied with the settlement of an important dispute. R. Huna, on coming to him, opened, indeed, the foregoing question, and, to his great astonishment, Rabha said that all use of that wine is forbidden. And to the question: Has not the master allowed such a case, he answered: In this particular case it was the wine in the cask that I allowed, but the wine touched by the heathen and poured back into the cask I prohibited, requiring rather that its worth be cast into the sea. It is true, I once allowed also the other wine, but during my sojourn at Pumbedita, Nahmani (Abayi) adduced so many Boraithas and conclusions of other sages against my tenet, that I withdrew my former opinion, and now I prohibit the wine poured back; for among others, Nahmani told me of such a case in Nahardea, and Samuel prohibited the wine; in another case at Tiberia, R. Johanan has likewise forbidden. I attempted to argue: Samuel and R. Johanan may have been led to such stringency by the fact that at those places the population is ignorant, in which case rigorous legislation is commendable; but he replied: Do you think that Mechusa is more enlightened than Nahardea and Tiberia? He also called my attention to the following Thosephtha: It once happened that the excise collectors poured back into the cask the wine left after they had had a drink; one of them drew also some wine with a lever, putting the lever back in the cask, and the sages prohibited

this wine for all benefit.

R. Johanan b. Arza and R. Jose b. Nehorai were once sitting together indulging a little in wine, when a man came in. They told him to pour in for them; but no sooner had he fulfilled their order than they discovered that he was a heathen. Thereupon one of the two said: The wine is absolutely forbidden, while the other asserted that it is even allowable to drink. Said R. Jehoshua b. Levi: Both had their respective opinions well grounded; the former must have reasoned thus: The man knew us to be of the sages, and he could easily notice that we were going to drink wine, which, when ordered by us to pour in, he would, in his thought, render prohibited. While the other one must have reasoned the other way--viz.: The man, knowing us to be of the sages, surely thought that we drank no wine, since otherwise we should not order him, a heathen, to pour in for us, hence the wine is allowed. But, against the latter it may be asked: Did not the heathen see that it was wine? Nay, it

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all took place in the evening. Neither could he discern it by *smell*, as it was new wine, which has no smell. That he did not touch it is certain, for the wine was in a bottle; and the shaking of the wine by a heathen is prohibited only when done intentionally, which was not here the case.

R. Assi questioned R. Johanan: Does a heathen render the wine prohibited by pouring water into it? Yea, was the answer; for a Nazarite must be told: Go around, go around, but do not approach the vineyard in order not to yield to temptation and eat from its fruit. R. Jeremiah, when once in Sabatta, noticed that the heathens there are wont to dilute the wine that the Jews drink, and he reminded them of the foregoing warning to a Nazarite. It was taught likewise in the name of R. Johanan, according to others R. Assi, in his name: Wine diluted by a heathen is forbidden by reason of temptation as above.

Resh Lakish was once in Bozrah (a town conquered by the King David in the province of Moab). He saw the Jews there eat fruit without having separated the tithe thereof, and he told them that this is not allowed. He further noticed that the Jews were wont to drink the water consecrated by the heathens, and prohibited it, too. Later he happened to visit R. Johanan to whom he related his observations and prohibitions, and R. Johanan told him: Go right back and allow all you have prohibited, because you mistook Bozrah for Betzer which was conquered by Moses, and where the tithe is thus obligatory; and as to the water there, it is public ownership which, as such, cannot be prohibited at all.

R. Hyya b. Abba made once a journey to Gabla, where he observed that Jewesses were pregnant from heathens, who, though circumcised, were not yet legally bathed. He further saw that the Jews were drinking the wine diluted by the heathens; he also noticed that Jews were eating *Turmus* (fig-bean) cooked by heathens. He, however, did not interfere. When he later reported this to R. Johanan, the latter said: Go right back and have it publicly announced that their children are bastards, the wine is to be regarded *nessech* (idolatrous libation), and the *Turmus* is forbidden like all other things cooked by heathens, because the inhabitants of Galba are uneducated. With reference to the children, R. Johanan expressed the same opinion elsewhere, saying that one is not considered a proselyte unless he is both circumcised and legally bathed, hence the above are still considered heathens; and Rabba b. 'Hana said in the name

of R. Johanan: When a heathen or a slave seduces a Jewish girl, the offspring is regarded as a bastard. The wine he prohibited by reason of temptation as said above, and the *Turmus*, because they are there uneducated, otherwise it would be allowed.

R. Kahana was once asked whether it is allowed to hire a heathen for conveying grapes to the wine-press of an Israelite; his answer was in the negative, by reason of the temptation above-mentioned. R. Yemer objected to him from this Tosephtha: The grapes carried by a heathen to the press, be it in a basket or any other vessel, are allowed even when trickling. Said R. Kahana: This is no weighty objection, for here it treats of grapes *already carried*, which I, too, should allow, but not to hire one originally for such work.

Once a citron chanced to fall into a cask of wine; a heathen seeing this, hurried to take it out with his hand, and R. Ashi ordered to hold his arm fast in order to prevent it from moving, then to open the faucet and have the wine flow into another vessel, when it will be allowed for sale. The same R. Ashi said that wine made prohibited by the touch of a heathen is not allowed to be sold to other heathens; the heathen, however, who touched it, may be made to pay for the wine by considering the thing in a manner as if the heathen had spilled or in some other way destroyed the wine, when it would be legitimate to recover the loss. This, his opinion, he corroborates by the following Boraitha: If a heathen renders the wine prohibited by touch, not however, in the presence of an idol, all benefit of it is forbidden. But R. Jehudah b. Baba and R. Jehudah b. Bethira say it is allowed, and on the following grounds: In the first place, because the act was done not in the presence of an idol, and secondly because the Israelite may say to the heathen: The wine is not your ownership, hence you cannot make it forbidden. Now, though we do not agree with the two Jehudahs, the inference is nevertheless justified that the Israelite may make the heathen pay.

It once happened that the bung burst out of the hole of a cask with wine, and a heathen ran by, put his hand upon the bung-hole to stop the escape of the wine. Thereupon said R. Papa: The wine above the bung is forbidden, the rest is allowed. R. Papa was further teaching: The wine of leather bags carried by a heathen who is followed by a supervising Israelite, is allowed if it so fills the bags that it cannot shake at all, but if not so full, it is forbidden. If, however, the wine be in open

pitchers, the converse is the case, because out of a full pitcher the wine may overflow upon the hands of the heathen, and then touch back the wine inside the pitcher, while with the pitcher that is not full this cannot be feared. R. Ashi maintains that even the wine in a leather bag that is not full cannot be made prohibited by shaking, for it is not customary to offer wine by shaking. If the heathen put wood upon the grapes in the press in order to squeeze the wine out by this pressure, R. Papa allows the wine, while R. Ashi, according to others R. Simi b. Ashi, prohibits it; all, however, agree in that the wine is allowed when the wood is pressed down by means of a wheel, for the work is done but by a derivative of his force, but when the heathen exerts the pressure by his feet, only R. Papa allows, while the others forbid the wine.

Once a heathen pressed the wine by means of a wheel, yet R. Jacob from Nahar Pekod declared the wine prohibited. At another time a cask with wine happened to burst, and a heathen was

holding it together until the wine was emptied into another barrel; Raphran b. Papa, according to others R. Huna b. R. Jehoshua, allowed to sell the wine to heathens. It was prohibited to drink it, because the cask burst lengthwise, so that it was necessary to hold it together, but if it had burst crosswise it could have been held together by pressing the upper part; in this case the wine would have been allowed even to drink, because the pressure of a stone could have done the same service.

Once a heathen was found in the press of an Israelite; though there was no wine in it, yet it was moist, and the question came up as to what to do with the press? R. Ashi decided it thus: If the humidity of the press was so great that an object could therein become so moist as to moisten another object, the press must be first rinsed with water and then scrubbed with ashes two times, while by a smaller degree of humidity one rinsing suffices.

MISHNA IX: A heathen standing near the wine reservoir renders the wine forbidden, provided he has a lien on it, but not otherwise. When a heathen falls into a wine-reservoir. and is then brought up (dead), or when a heathen measured the wine with a pipe, dragged therewith a hornet out of the wine, or, finally, tapped his hand on the cask against the ebullitions of the fermenting wine--all which cases have actually occurred--the wine should, according to the rabbis, be sold; R. Simeon allows to drink it. If the heathen, while enraged, cast the cask

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into the reservoir, as it once happened, the sages allowed the wine.

GEMARA: Said Samuel: The lien spoken of in the Mishna must be had on the wine itself; and R. Ashi proved this by quoting another Mishna, which says: When one works a heathen's wine in accordance with the rules of cleanness (so that he might sell it to Israelites), leaves it then in the premises of the heathen, but under the supervision of an Israelite, and the heathen writes a note to him stating, "I have received of you money," the wine is allowed; if, however, the affair takes place this way: The Israelite attempts to take out the wine and the heathen refuses it until he get the money, which case once occurred at Beth-Shean, the sages declare this wine prohibited, because it is yet the ownership of the heathen. But if the lien had been on the Israelite's property, even the wine included, it does not matter.

"*When a heathen falls,*" etc. According to R. Papa this means that the heathen is brought up dead, otherwise all benefit of the wine is forbidden, because the heathen celebrates his escape, and thanks on this account his idol, wherefore the wine is considered offered.

"*When a heathen measured the wine with a pipe, etc., the rabbis allow to sell it, R. Simeon also to drink it.*" Said R. Ada b. Ahba: Blessed be the head of R. Simeon who, unlike the rabbis, goes to extremes--viz: If he prohibits, he prohibits to derive all benefit therefrom, and if he allows, he allows it even to drink. Said R. 'Hisda: I was told by Abba b. 'Hannan that so said Zera, that the Halakha prevails with R. Simeon. (Says the Gemara): After all, the Halakha does not prevail with him.

MISHNA X.: If an Israelite, who had cleansed the wine of a heathen, left it in the latter's premises, in a house opening into a public ground, in a town where heathens and Jews live, the wine is allowable; but if there live only heathens, the wine is not allowed, unless a Jewish

watchman take care of it. However, the watchman must not continually stay there, but may go and come. R. Simeon b. Elazar says: All heathen premises are of the same account. If one cleanses the wine of a heathen, leaves it in his premises (as above), and the latter writes him a note stating, "I have received money from you," the wine is allowed. But if the case be such that when the Israelite wants to take out the wine the heathen refuses, requiring to be paid first (as it once occurred at Beth-Shean), the sages prohibit the wine.

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GEMARA: Why should the Mishna forbid the wine in a town where Jews do not reside, since in any town you find Jews coming there now and then for traffic? Says Samuel: The Mishna has in view but such towns that are provided with walls and gates, so that no one can enter it without special permission, and the heathen is thus in a position to know whether or no there is an Israelite in town. R. Joseph said: It suffices that the wine be so kept in a house that any Israelite could see from his window into the heathen's yard, and the house must not needs be opening into a public place. In like manner it is sufficient that there be in the proximity of the house a little elevation where people are wont to assemble, or that a date-tree be there, since in this case the heathen may fear lest someone should climb up the tree for dates and descry his doings in the same time; but if the top of the tree be cut off, its influence is discussed by R. Acha and Rabina, the one saying that the tree, now that it bears no fruit, exerts no influence upon the heathen, who, thinking that nobody will climb it up now, may break the seal and take out some of the wine; while the other says: People are still now and then climbing upon such tree in order to look for their strayed cattle, and hence it is yet fear-inspiring to the heathen.

The rabbis taught: When an Israelite buys or rents a house in the courtyard of a heathen, where also an Israelite lives, and puts there his wine, it is allowed even if not sealed and locked up. But if the other Israelite lives in the same town only, the wine is allowed only when sealed and locked. However, if a heathen hires Jews to prepare wine for sale to Jews, and this wine remains in the premises of the heathen, a Jew living in the same house where the wine is kept, it is allowed, provided it be sealed and locked by a Jew who should himself have charge of the key and seal. Said R. Johanan to him who cited before him this Boraitha, read the last passage thus: The wine is allowed even when not sealed and locked, provided only an Israelite lives in the same house. If, however, an Israelite lives in the same city but not in the same yard, the wine is forbidden even when sealed and locked; so says R. Meier, while the rabbis say: An Israelite must either sit there and watch, or come there at certain times. The question now arises, to which case the rabbis refer, as there are four cases in the Boraitha? To assume that they refer to the last case would be to assume a redundancy, since R. Mair said the same; nor can it be assumed that

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they refer to the third case, where the wine, when sealed and locked by a Jew, is allowed; because, as R. Johanan allows it even when not sealed and locked, there would be no reason to account for the exceptional rigor of the rabbis in this case. Hence, it is manifest that they refer to the second case, which allows the wine put up in the house of a heathen, when both there lives a Jew in the same town and also when the wine is sealed and locked; and it is here that the rabbis add the limitation that all Israelite watch the wine, or come to it at certain times. But what is gained by the last point? When the Jew is to come there only at *certain* times, the heathen will know it and find his time to break the seal and do what he pleases? The answer is this: We must

assume that the Jew is to come there *at times* and not at *certain* times, so that the heathen will know nothing definite.

"*R. Simeon b. Elazar says, all heathen premises,*" etc. The schoolmen propounded a question: What does R. Simeon intend with this doctrine, to make the regulations of wine more rigorous or more lenient? R. Jehudah said in the name of Zeira, the latter is the case, while R. Na'hman said in the name of the same authority the former was intended. In order to make R. Jehudah's opinion plausible, it is necessary to insert the following in the Mishna: The same prohibition is imposed upon wine brought into the house of another heathen, because of fear lest the latter should go to the proprietor and say: You are free to come to my house and do with your wine as you please; I will not betray you provided, however, you promise to serve me in the same way in case I will have Jews prepare wine; it is in this connection that R. Simeon b. Elazar said: Are, then, all premises of the same account? We see that if the wine is left in the premises of the proprietor, an Israelite must watch it; if, however, the wine is stored with another heathen, this watch is not requisite, as I do not believe that the heathens would enter such mutual agreements with one another. On the other hand, in order to make R. Na'hman's view of R. Simeon's position plausible, the following wording must be given to the inserted passage: The prohibition is only then in force when the wine is left in the premises of the proprietor with a Jew watching it; but if the wine is left with another heathen, the additional watch is unnecessary, as we do not believe in the mutual agreement of the heathens. To which R. Simeon b. Elazar says: All heathen premises account alike, hence as the

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watching by a Jew is there requisite, it is so here, too, for I fear, indeed, that the heathen may enter some mutual understanding. There is a Boraitha in accordance with R. Na'hman: R. Simeon b. Elazar says, all premises of heathens are of the same account, for we fear lest they deceive us.

It once happened that Israelites bought of Parsik, the viceroy, the grapes of a vineyard in order to prepare wine therefrom; they then left the wine with Parsik's gardeners without having paid for it. Hereupon the disciples of Rabha's college wanted to allow the wine on the ground that there cannot possibly be a mutual agreement between the viceroy and his gardeners. Said Rabha to them: just in this case there is much to fear, because if Parsik wants to falsify the wine, he will meet no barrier.

Once a few casks of wine belonging to an Israelite were lying in the street, and a heathen was found standing among them; Rabha, upon being asked what is to be done with the wine, said: If this man is known to be a thief, the wine is allowed, for he will fear to touch the wine in the open street, lest he be suspected of stealing it; but if he is an honest man the wine is forbidden, because of the reasonable fear, maybe he touched it.

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