

## CHAPTER V.

RULES AND REGULATIONS CONCERNING WAGES AND LIBATION WINE.--EFFECTS OF SUCH WINE WHEN FALLING ON FRUIT OR MIXING WITH OTHER WINE.--UNDER WHAT CIRCUMSTANCES WINE MAY BE LEFT WITH A HEATHEN.--CONDITIONS UNDER WHICH JEWISH WINE IS SOLD TO HEATHENS.--DETERMINATION OF QUANTITY OF LIBATION WINE MIXED WITH OTHER WINE.--HOW VESSELS OF HEATHEN ARE TO BE ALTERED TO MAKE THEM FIT FOR A JEWISH TABLE.

**MISHNA I.:** The wages of a Jewish laborer hired by a heathen to work with him wine for libation are prohibited. But if he was hired for some other work and was then told: Bring this cask of offered wine from one place to another, the wages are allowed. If a heathen hires of a Jew an ass to carry on it such wine, the reward is forbidden; if, however, he hired it to sit thereon, it is allowed even if he had with him his wine-flask.

**GEMARA:** The reason why the wages are prohibited is hardly that all the benefit of offered wine is forbidden, because the following speaks against such a reason--viz.: Although *arlah* (the fruit growing on a tree within the first three years after it has been planted) is prohibited, likewise the fruit of a field sowed in a vineyard *kelaim* (variegated seeds); yet if one sells these fruits and with the money thus obtained betroths himself to a girl, she is regarded his legitimate wife. Nor can it be said that the wages follow the same rules with the wine, just as the money obtained from the sale of an idol is subject to the regulations governing the latter; because, as it is known, the money gotten for the fruits growing on the Sabbathic year is subject to the rules of the fruits themselves, and yet we learned that, if one invites the laborer, saying: Take this *dinar* and gather herbs for me to-day, this reward is forbidden; but if the invitation is made thus: Gather for me herbs to-day, the reward is allowed when this case takes place on the Sabbathic year. Hence, wages are allowed after all! Said R. Abuhu in the name of R. Johanan: This is a fine which the sages find necessary to impose upon driver and offered wine. In the case of wine, as said above in the Mishna, and in the case of drivers in the following Boraitha: The reward obtained by drivers for transporting fruits; grown on the Sabbathic year is considered

[paragraph continues] *Sabbathic*. Now, what does this mean: The reward is *Sabbathic*? It cannot possibly mean that the reward is made in fruit of the Sabbathic year, for the proprietor of the fruit would thus meet a debt with fruit which is by law allowed [Levit. xxv. 6]: "For food," but not to traffic with. Neither can this expression be interpreted to mean: The reward is as holy as the fruit of the Sabbathic year, because of the Mishna cited above: If one says: Gather for me fruit to-day, the reward is allowed. Said Abayi: It speaks of a reward paid with the Sabbathic fruit; and as to the difficulty of "food and not for traffic" it can be answered that he gives him the fruit as a present, and not as reward, as we find a similar case in the following Mishna: One must not say to his neighbor: Carry this fruit for me to Jerusalem, of which take a part as your reward; but he may say: Carry it to be eaten in Jerusalem, and there they present each other the

fruit as a present. Rabba, however, said: It means that the reward becomes holy like the Sabbathic fruit itself, and the difficulty that it is allowed to a laborer is not considered, for the rabbis do not care to fine him for such a trifle.

The schoolmen propounded a question: How is it when the heathen hires a Jewish laborer to prepare wine in general? Shall we assume that, since all use of this wine is prohibited just as that of offered wine, the wages are by implication not allowable, or that the wine in general is not so rigorously treated by reason of its differing from the offered wine in that it does not defile an Israelite by touch, while the latter does so, and hence, that the wages in this case be allowed? Come and hear! A heathen once hired a Jewish boatman to convey for him some wine to a certain place and paid him for the labor in wheat. The laborer appeared then before R. 'Hisda asking him what is to be done with the wheat? The answer was: You must burn it and bury the ashes; hence, such wages, too, are prohibited. The disciples of R. Janai were wont to borrow on the Sabbathic year fruit from the poor and to pay them back in fruit the succeeding year. R. Johanan was interrogated as to the legitimacy of this act, and he found it in accord with the law. [1](#)

R. Na'hman, Ula, Abimi b. Papa, and R. Hyya b. Ammi were once sitting together and discussing the following point: If an Israelite is hired to break the casks that contained offered wine

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of which some remnant may now flow yet, is he allowed to receive payment for his work or not? The possible reason for a negative answer is that the laborer desirous to get work wishes for the existence of whole casks, and thereby also for that of the prohibited wine left therein; while on the other hand the reason for a positive answer is that he by his labor *destroys* the wine. Thereupon decided R. Na'hman: The laborer may without any scruples break the casks and get paid therefor; in addition to it, he may yet earn the blessing of Heaven! The following Boraitha corroborates R. Nahman's decision: The Israelite is prohibited from assisting a heathen in ploughing a field sowed with *kelaim* (variegated seeds), but he is allowed to weed out various seeds so that only one kind be left, for he thereby diminishes the unallowed.

At some other time the same sages were together discussing the question as to whether or no the use of the money obtained by a heathen from the sale of an idol is all forbidden to an Israelite (just as it is in case the Israelite sells an idol)? Said R. Na'hman: It seems to be allowable, because once there came some heathens to Rabba b. Abuhu and declared themselves willing to embrace Judaism, whereupon he replied: If this is your intention, it is incumbent on you first to sell out all you have, for as soon as you have become Israelites, your wine and idols are prohibited to sell. Whence it follows that they are allowed, even after they become Israelites, to use the money gotten from selling the idols when yet heathens. The others objected to this inference, saying: In this case the intention of becoming an Israelite renders surely their idols profaned. Hereupon R. Na'hman recited the following Boraitha: If a heathen pays his debt to an Israelite in money, which he obtained from the sale of an idol or offered wine, the Israelite is allowed to accept it; if, however, the heathen asks his creditor to wait until after he has sold his idol or offered wine, the Israelite is prohibited to accept the money. Hence, in the former case, the money is allowed. And why is it forbidden in the latter case? Because, said R. Sheshith, the Israelite would then apparently wish for the existence of a prohibited object till it gets sold. But is there not a Mishna that, a proselyte and a heathen having inherited their father, a heathen, the former may say: You take the idols and I the money, you the wine and I the other fruit in

exchange; but as soon as an object enters the control of the proselyte all exchange is forbidden? Now, you see

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that, though the proselyte doubtless wishes for the existence of the prohibited objects, the exchange is originally allowed. Said R. Papa: The sages treated exceptionally this case of a proselyte with leniency in order not to encourage his return to heathendom. Yea, there is a Boraitha to this effect: The decision in favor of the proselyte is limited only to the case of inheritance, but does not concern partnership.

The above-mentioned sages happened to be once more together and to discuss the following question: Can a citizen-proselyte, a heathen settled down in the land of Israel, on having taken upon himself not to practise idol-worship only, profane an idol, or only an actual idol-worshipper can do this? R. Na'hman said: In all probability the latter is the case. An objection was raised from the following Tosephtha: An Israelite who found an idol in the market, may, before taking possession thereof, ask a heathen to profane it, but not after he had taken possession of it; and the reason is that the sages have established a rule that a heathen may profane his own idol as well as that of his neighbor immaterial whether he worships it or not. Now let us see what does the last expression "whether he worships or not" mean; if it means a heathen, it is superfluous, as it was already stated that a heathen may profane his neighbor's idol although he has not worshipped it; we must then say that it means a citizen-proselyte, hence the latter can profane? Nay; it may speak only of a heathen, and as to the apparently superfluous expression, it may be said that the first part speaks of the idols of one kind, *e.g.*, both of the kind Peor or Markules, while the last part has in view two different idols, *e.g.*, one of Peor and the other of Markules, and nevertheless the heathen may profane even the one in whose worship he does not believe. Another objection was raised: Who is called a citizen-proselyte? He who took upon himself before three scholars not to practise any idol-worship, so said R. Mair; while the sages define him to be one who binds himself to observe the seven commandments accepted by the descendants of Noah. According to some anonymous teachers, such proselyte is only he who accepts all the commandments of the Torah except eating the meat of carcasses. Such a proselyte may be left alone for some short while in a room where Jewish wine is kept; however, it is not allowable to store such wine in his house even when the majority of the city inhabitants be Israelites. He may be employed as watchman of such wine even where the heathens

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make up the majority of the population. His oil is subject to the same regulations. But can oil be prohibited by itself? Nay; reverse the statement and read: Wine is subject to the same regulations with oil; while with regard to all other things this proselyte is on equal terms with the heathen. R. Simeon, however, holds that the wine of such a proselyte is regarded as offered wine. According to others, however, R. Simeon allows the wine even to drink. Now that this Boraitha declares this proselyte on equal terms with the heathen in all other respects, it is indicated that he can profane an idol, which contradicts R. Na'hman's view. Retorted R. Na'hman b. Itz'hak: This equalization refers but to the law regulating both the transferring and renouncing of his ownership (explained in Erubin).

R. Jehudah sent once a present to the heathen Abidrana on one of the heathen feast-days, justifying this his action thus: I know that Abidrana does not worship idols. Said to him R.

Joseph: Your reasoning appears fallacious, because of the above-cited Boraitha that he, a *proselyte*, must take upon himself before three scholars to renounce all idol-worship, which condition is wanting in your case. Rejoined R. Jehudah: This Boraitha intends but to say that this one condition binds the Jewish community to support this proselyte in case he becomes poor. Thereupon the other objected: Has not Rabba b. b. 'Hana said in the name of R. Johanan that a citizen-proselyte who fails to let himself circumcise during twelve months is to be regarded as a heathen heretic? Accordingly, you should not have given a present to Abidrana, who is not circumcised. Answered R. Jehudah: R. Johanan surely meant that a proselyte who fails to keep his promise to be circumcised within twelve months is a heretic.

Once Rabha wanted to give on a heathen feast-day a present to the heathen Bar Sheshach, who he knew was no idol-worshipper. But when he came into his house he saw him sitting in a bath of rosewater, and surrounded by indecent and disgraceful girls. Upon noticing Rabha, the heathen exclaimed: Have you Jews in prospect such pleasures in your paradise? And Rabha answered: Much better than these. Do you really mean, said the other, that there are greater pleasures than this? Retorted Rabha: In the heat of all your voluptuousness you can't help fearing lest the king disturb you and mar your pleasure; while we expect to be free from such fear in paradise! Well, said the heathen, if others do, I, for my part, do not fear

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the king. No sooner had he uttered this than a messenger came from the sovereign and said to Bar Sheshach: Go in all haste to the king, as he wants to speak to you! Then Bar Sheshach, addressing himself to Rabha, said: May the eye that wishes to see evil jump out of its orbit; whereupon Rabha said: Amen! And the eye of Bar Sheshach jumped out immediately. R. Papi said: Rabha should have applied this verse in answer to Bar Sheshach--viz. [Ps. xlv. 10]: "Kings' daughters are among those dear to thee: the queen standeth on thy right hand in fine gold of Ophir." R. Na'hman b. Itz'hak would have preferred this verse [Is. lxiv. 4]: "No eye had seen a god beside thee, who could do [the like] for the one that waiteth for him."

"*But if he was hired for some other work,*" etc. It is apparent from here that the wages are allowable even when the laborer had been ordered to carry the wine *before* he finished the other work; and yet there is a Tosephtha: When the heathen tells his Jewish laborer, after he has finished his day's work, to carry a cask of offered wine from one place to another, the wages are allowed, but the remuneration for the carrying is not; but if the heathen ordered him to do this sometime during the day's work, the whole pay is forbidden. Hence this apparently contradicts the Mishna? Said Abayi: The Mishna, too, implies the same limitation. Rabha, however, interprets the Mishna to allow the wages even when the carrying was done in the middle of the other work, and meets the apparent contradiction thus: The Tosephtha teaches: When a heathen tells his Jewish laborer: Carry 100 casks from this to that place and I will pay you 100 *peruthoth*, and it was then found that ninety-nine of the casks were with oil while one was with offered wine, all the wages are prohibited, for it is the last forbidden cask that completes the claim for wages. The Mishna, however, intends to teach that, when the laborer works per cask, he is allowed to receive the wages and to reject the pay for so many forbidden casks he had to carry. This exposition of the subject coincides with the following Boraitha: A Jewish laborer hired to carry 100 casks among which one was found to contain offered wine is prohibited from all his wages; if, however, he was hired to be paid per each cask, he should cast away the pay for this one prohibited cask, while the other pay is allowed.

"If a heathen hires of a Jew an ass," etc. This rule, which is obviously implied in the first statement, is mentioned by the Mishna merely for the sake of its second part--viz.: If, however,

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he hired it in order to sit thereon, the reward is allowed even when he had along with him the wine-flask. [1](#)

The father of R. A'ha b. R. Ika, who was a wine-dealer, sold once wine to heathens. He had to bring it over across a river and empty it into their casks, retaining his for his trouble. This subject was brought before Abayi, and he said: What R. A'ha's father is doing is certainly allowed, for the wine is not prohibited unless already in the casks of the heathens.

MISHNA II.: If offered wine be poured on grapes, they must only be washed and are allowed. If, however, they were cracked, they are prohibited. Again, when such wine be poured on dates and figs, they are forbidden if the wine impart them a pleasant flavor. Bithus b. Zonan brought once dried figs in a ship, and a cask of offered wine happened to burst, the wine spilling upon the figs, but the sages who were asked on this point declared them allowable. The rule is: A prohibited thing renders another one forbidden if it imparts to it a pleasant flavor, but if not, it is allowed, *e.g.*, vinegar poured over grit.

GEMARA: The decision of the sages in the case of Bithus is apparently in contradiction with the prohibition immediately preceding it. The explanation, however, is that the Mishna is not complete, and must read as follows: If the wine imparts them a good flavor they are forbidden; but when it causes them to become insipid, they are allowed; which latter took place in the case of Bithus.

Once such wine was spilt on a heap of wheat, and Rabha, when asked on the point, allowed to sell the wheat to heathens and to use the money thereof. Rabba b. Levi objected to this decision by reason of the following: When a linen thread is woven into a woollen cloth or *vice versa*, a wool thread into a linen cloth, the Israelite is forbidden to make thereof either a garment or a saddle, or to sell it to heathens; he is allowed to make of it only shrouds for the dead. That these things are not sellable to heathens, can be accounted for only by the assumption that the heathens may thereafter resell them to Israelites who, not knowing that there is a prohibited thread in the doth, will make garments of it. Now, then, we have in the wheat a perfectly analogous case. Rabha, on hearing the objection, ordered the wheat to be first ground, then to bake of its flour bread, which may be sold to heathens, provided no Israelite

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notices it, lest he might buy the bread of the heathens. But again, why should not the wheat present the same case as the grapes of the Mishna, which must be only washed in order to be allowed? Because, said R. Papa, the wheat grain has a slit in the middle which makes it similar to *cracked grapes*. Abayi and Rabha are of the same opinion: When old prohibited wine is poured on grapes and they get therefrom an agreeable taste, they are prohibited. But concerning new wine, Abayi prohibits all the grapes as soon as one drop fell on them; while Rabha prohibits them not until after so much wine has fallen upon them as to change perceptibly their taste. Abayi's reason is this: All objects of like taste belong, he believes, to one class, and as soon as a



particle, however small, of the prohibited falls upon an object, and be this very big, it, too, becomes prohibited (so, *e.g.*, a drop of forbidden wine falling into a cask renders the wine therein forbidden), and grapes he regards of the one class with wine. On the other hand, Rabha takes for his basis of classification not the taste but the *name* of the objects, so that homonymous objects will render each other prohibited if 1/60 of the one falls into 59/60 of the other, when a perceptible change in taste may occur, but not if 1/60 falls into 60/60 or more of the other.

In the case when beer-vinegar was intermixed with wine-vinegar, or oaten yeast with wheat yeast, of which in both cases one was allowed and the other forbidden, Abayi prohibits the whole mixture only when the forbidden ingredient tastes perceptibly, while Rabha would prohibit it even when but a drop of the forbidden fell into a whole cask of vinegar; likewise with the yeast Abayi defends his position by his theory: As the ingredients here being of different tastes are not of the same class, the resulting mixture is forbidden only when the prohibited substance is discernible by taste. Rabha, on the other hand, recurs to his name-theory: The vinegars and so the yeasts are homonymous, hence of the *same* class, consequently a drop of the prohibited suffices to render the whole so. Furthermore, Abayi endeavors to justify his name-theory by the following argumentation. We learn: When spices, forbidden with the same prohibition, of the same kind but of three different names, such as, *e.g.*, pepper, white, black and long, or when spices of three different prohibitions but of the same kind and name, all mix in some meal, it is prohibited, for they are counted together. Thereupon said 'Hiskia: This Mishna speaks of spices possessing equal properties so as to sweeten the meal, when they can

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be counted together, but not otherwise. Now you see, then, that this, 'Hiskia's explanation, is in the light of my considerations quite plausible, as he guides himself by the taste, while viewed from Rabha's standpoint how can the three spices be counted together now that each has a different name. Hereupon Rabha rejoined: This does not prove your opinion at all, since this Mishna expresses not R. 'Hiskia's view but that of R. Mair of the following Boraitha: R. Jehudah said in the name of R. Mair: When different forbidden things mix with one that is allowed, they may be added to count as one whole, for it reads [Deut. xiv. 3]: "Thou shalt not eat any abomination," etc., *i.e.*, whatever is detestable by the law, is forbidden to eat. Hence, whatever is forbidden, and be it of neither equal name nor taste, can, according to R. Mair, be counted together. Concerning wine into which forbidden vinegar fell in, so that its taste is discernible in that of the wine, all agree that it is prohibited; but if the vinegar is not discernible, the wine is allowed. In the case when prohibited wine mixed in vinegar, Abayi forbids latter even if only one drop fell into it, since the *smell* of the wine is changed when in proximity with the vinegar and it assumes that of the latter, hence, it is as if vinegar fell into vinegar and makes it forbidden even by a drop. Rabha, on the other hand, holds that only then is the vinegar forbidden when the taste of the wine in it is perceptible, otherwise they remain two separate classes even if the *smell* of the wine is changed to that of vinegar. Rabha and Abayi said: A heathen may put his nose to the ventilatory orifice of a cask with wine in order to smell the state of the wine, and be it the wine of an Israelite it is not rendered prohibited thereby. An Israelite, however, is not allowed, according to Abayi, to do the like on the wine of heathens, its smell, like itself, being prohibited; while Rabha allows the smell.

"*The rule is: a prohibited thing renders another one forbidden,*" etc. Said R. Jehudah in the name of Samuel: This rule is the prevailing Halakha. Furthermore, the grit spoken of in the Mishna is allowed only when it was hot at the time the forbidden vinegar fell upon it, for since

vinegar imparts a good odor to cold grit, latter is prohibited even if it be boiled after in order to eliminate the good odor. Rabin, on his return from Palestine, said in the name of Rabba b. b. Hana, quoting R. Johanan as interpreting the Mishna in the very same sense. R. Dimi, too, quoted R. Johanan to the same effect, adding

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yet that the people of Ciporias are in the habit of preparing on Fridays a meal consisting of cold grit mixed with vinegar and called *shichlaim*. Resh Lakish interprets this point of the Mishna as follows: That the spoiling of taste by a forbidden thing leaves the mixture allowed, intends to teach that even if this bad taste has been subsequently ameliorated by pepper, salt or other spices, the mixture remains allowed.

R. Abuhu says in the name of R. Johanan: A forbidden object dropped into a food and both visible and smellable therein, renders it unallowable to eat; whoever eats it is liable to stripes, provided, however, he ate of the forbidden object the size of an olive and for so long that one could consume in this time a food equivalent in size to four eggs. But if the forbidden object be only tastable and not visible, the food is prohibited, and the consumption thereof is not attended with stripes. On the other hand, if this object heightens the already bad savor of the food, it is allowed. Why does not R. Johanan say: If this object renders the taste of the food insipid, it is allowed? He intends to indicate that the intrinsic bad taste of the food is a condition for its being allowed after the adulteration with a forbidden object, even when its taste is capable of being improved upon by the use of various spices; and this shows that the prevailing Halakha is in accordance with Resh Lakish. R. Kahana said: From this entire discussion it is evident that a forbidden object dropped into a food and rendering it more insipid, leaves it allowed. Hereupon said Abayi: All the participants of this discussion have unambiguously expressed their respective opinions, with the exception of Resh Lakish, who only interprets the Mishna, reserving to himself his own opinion on the point. Now that the Halakha allows the food in question, it is manifest that there were some sages who thought it unallowable; which is, indeed, the case, as we have learned in the following Boraitha: R. Mair prohibits a food or a beverage rendered either more palatable or more insipid by a forbidden object mixed with it, while R. Simeon prohibits it only when rendered more palatable. Said Ula: They differ only in case when the forbidden object renders the food first more palatable, but then insipid; but when it renders it immediately more insipid, all agree that it is allowed. R. 'Haga objected to Ula from the following: If prohibited wine or vinegar poured upon lentils or grits respectively, each renders the food forbidden; R. Simeon, however, allows both by reason of their becoming

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thereby more insipid. Now, this former opinion can be only that of R. Mair's, who prohibits it though immediately rendered insipid. Ula answered: A man like 'Haga, who has no notion of what the sages ever say, ventures upon raising objections! The Boraitha adduced by him speaks of cold lentils and cold grits, which become more palatable by the wine or vinegar, but when put on fire they become more insipid, and it is this case that R. Mair forbids. R. Johanan, however, said: It is the case where a forbidden object renders a food more insipid right after mixing with it, that R. Mair [prohibits](#) and R. Simeon allows.

It once happened that a mouse was found in a barrel of beer and Rabh prohibited the beer. Whereupon the rabbis said in the presence of R. Sheshith: From this decision of Rabh we see

that he prohibits anything that is rendered more insipid by a forbidden object mixed with it. Said R. Sheshith: Nay; this is far from being the case; this decision is but an exceptional with Rabh. Indeed, a mouse is so detestable a creature that no one would think of eating, and yet the law specifically prohibits it. It is this circumstance that induced Rabh to the above decision. However, R. Simi from Nahardea said: A mouse is by no means so abominable a creature; as a matter of fact, the field-mouse is being served even on princely tables, but in the case of the beer it was a house-mouse, and house-mice are not eaten. Rabha said: The Halakha is that a forbidden object rendering the food more insipid leaves it allowed, and as to Rabh, his reason is not obvious; if he thought the insipidness of no account, the Halakha is against him, or maybe he thought that the mouse contributes toward bettering the taste of the beer!

The schoolmen propounded a question: How is it when a mouse falls into vinegar? Said R. Hillel to R. Ashi: Such an incident occurred in the presence of R. Kahana and he prohibited the vinegar. R. Ashi remarked: This decision of R. Kahana hardly admits of generalization, for the mouse there was already wholly decomposed and he rationally feared lest something of the mouse would be consumed together with the vinegar. Rabina was about to allow the vinegar, provided its bulk was 100 fold that of the mouse, basing this upon the same law regarding Teruma, but R. Tachlipha b. Gisa reminded him to draw rather the comparison with the spices of the Teruma, where a portion of 101 fold is requisite. According to the calculation

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of R. Ashi the bulk of the vinegar in order to be allowed must be to that of the mouse in the ratio of fifty to one. R. Samuel b. Aika finds the ratio of sixty to one necessary to declare allowable the beer. This ratio remains as the prevailing Halakha with regard to all contamination by forbidden objects (*e.g.*, when into a pot containing sixty pounds of allowed meat one pound of pork meat is mixed in, the whole mixture is allowed to eat).

**MISHNA III.:** Wine known as being watched is allowed when transported from place to place by a heathen and an Israelite, even if the latter absent himself. However, if he notifies the heathen that he is taking leave, and be it only for as short an interval as to enable one to bore a hole, close it up and have it dried, the wine is forbidden. R. Simeon b. Gamaliel says: This interval must be so long, that he could open the bung-hole, close it again and have it dried.

When an Israelite leaves his wine on the wagon or boat of a heathen and himself takes a shorter road, the wine is allowed even if he succeeded to reach first the destination and to have a bath meanwhile. But if he notified the heathen of his leave, and be it for only as short an interval as to enable one to bore a hole, close it, and have it dried, the wine is prohibited. R. Simeon b. Gamaliel says: As long as to open the bung-hole, close it and have it dried. When an Israelite admits a heathen into his wine store, the wine is allowed, even if the Israelite is only coming in and out; if, however, he says that he is going to absent himself, and be it only for as short an interval as to enable one to bore a hole, close it and have it dried, the wine is forbidden. R. Simeon b. Gamaliel says: As long as to open the bung, close it again and have it dried.

When an Israelite dines with a heathen at the same table, puts a bottle of wine on the table and another one on the by-table (*δέλφικος*) and goes out, what is on the table is prohibited, what on the by-table is allowed; but if he said to the heathen: You only help yourself to the wine and drink, the bottle on the by-table is forbidden, too. If he leaves open casks they are prohibited; closed ones, they are only then forbidden when the heathen could unbung them, close again and



have them dried.

GEMARA: "*Wine known as being watched,*" etc. This seems to express the same idea of the following Boraitha: When he who accompanies his drivers leaves them to convey the clean objects from one place to another, himself going away from them even a whole mile, the objects remain clean; if, however,

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he told them: You go ahead and I shall follow you, the objects are unclean, as soon as he loses sight thereof. R. Itz'hak interpreted this Boraitha to mean in its first half that the owner had first to cleanse both his driver and animals with water.

"*When an Israelite leaves his wine in the wagon,*" etc. These two cases, though seemingly identical, are providing for different points. Indeed, the latter case could not be so generalized as to include the former, for here it may be assumed that the heathen is under the influence of constant fear lest the proprietor come in at any moment, while the condition on the wagon or boat is different. On the other hand, the former case cannot include the other one, for on the wagon there is yet a possibility left for the heathen to fear, lest he be overtaken by surprise and looked after from another direction, while in the store he could presumably lock the door, thus securing himself against surprise and doing what he pleases. Hence, the Mishna states both these cases. Rabba b. b. 'Hana in the name of R. Johanan: The Mishna prohibits the wine only when the bunghole of the cask was closed up with lime, but if with clay, an interval so long as to enable the heathen to open the hole, close it again and let it dry is necessary to prohibit it. Whereupon it was objected: A Boraitha teaches that R. Simeon b. Gamaliel said to the sages: When the heathen broaches the cask and then closes it up again, this is recognizable on the outward as well as on the inner surface of the bung. Now, if the stuff of which the bung is made be clay, R. Simeon's idea is clear, for clay when old becomes brighter in color, wherefor the new in it is easily distinguishable by the color, because the new clay cannot combine with the old one, since the hand cannot reach the inner sides. But if, as you incline to think, the sages speak of a lime bung, the new lime is not recognized, having as it does the same color as the old one. This objection was met thus: R. Simeon b. Gamaliel, ignorant of whether the sages spoke of a lime and a clay bung, was endeavoring to show that even in the case of lime a change produced by breaking is discernible though only on the inward side; so that the sages answered this point, contending that so long as it is not recognizable on the outward, the wine is prohibited, for it is to be feared that the inner side of the bung might perchance become difficult of recognizing, or that it was altogether forgotten to examine it. Said Rabha: It seems that the Halakha prevails with R. Simeon b. Gamaliel, for the end of the Mishna gives his opinion without mentioning

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his name. And Rabha did well to remind of this, for otherwise it could be thought that the *whole* of the concluding paragraph (*i.e.*, beginning with R. Simeon till the end) was said by R. Simeon b. Gamaliel. But now that the Halakha here prevails with R. Simeon b. Gamaliel, *i.e.*, that there is no fear lest the heathen should break the cask, and above in Chap. II. it prevails with R. Eliezar, *i.e.*, the cask being well bunged, there is no fear of the heathen's opening it, why are we still refraining from keeping our wine in the house of a heathen? The answer is this: Every cask has a small orifice for ventilation, and it is feared lest the heathen should somehow get at the wine through it.

Rabha said: Though Israelites that come into the house of a heathen prostitute may not resist the sexual impulse, yet the wine which they chance to bring there is allowed, for they will surely prevent the prostitute from touching it. If, however, heathens visit a Jewish prostitute, her wine becomes prohibited, for it is safe to conclude that since she lowers herself so much as to have intercourse with heathens, she will admit them to touch her wine, too.

A heathen once happened to enter the wine-store of an Israelite, where he himself had some wine; he closed the door which had, however, a crevice, and through it he was seen standing among the Israelite's casks. Rabha decided this case thus: Only the casks visible through the crevice are allowed.

Jewish wine was once stored up in a house where a heathen and an Israelite lived in the lower and upper floors respectively. One day the two, alarmed by a sudden noise in the street, went out to see what was the matter; the heathen was then the first to return, and locked the door. In this case Rabha allowed the wine, for, he argued, the heathen may think that the Israelite entered first and might surprise him any minute. In another case where a heathen was found among casks of Jewish wine at an inn, Rabha decided thus: If the heathen is suspicious of being a thief, the wine is allowed, for he will be afraid to touch it; but if this is not the case, the wine is forbidden, for once he approached it he must have touched it.

There was another case where a heathen was found among the casks and Rabha decided it again conditionally--viz.: If the heathen has good reasons to account for his being in the cellar the wine is prohibited, because the fear of being surprised is counterbalanced by the said reasons, and he will surely touch the wine; but if he has no such reasons, the wine is allowed,

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because of his fearing to be surprised. An objection was raised from the following: Unguarded Jewish wine in a public inn in which Israelites always come and go, but which happened to be closed so that it became inaccessible to Israelites; or wine left in the inn by an Israelite who requested a heathen from outside to watch it, is in both cases forbidden. In the latter case the heathen has sufficient ground to believe that the Israelite, who of his own accord made him the watchman of the wine, will not return so soon, so that there is ample time to touch the wine; this wine, we see, is indeed forbidden, though the heathen, if taken by surprise, would have no reasons to account for his being near it! Now, Rabha would allow the wine under these conditions. The Boraitha, then, must, therefore, be so interpreted as to mean that the heathen would have reasons for approaching the wine.

An Israelite and a heathen were once at an inn sitting and drinking wine. As the hour of prayer arrived, the Israelite went to pray, leaving the wine where it was. Rabha allowed this wine on the basis of the heathen's fearing to be surprised.

Once an Israelite was with his wine in a boat where a heathen, too, embarked. On hearing the trumpet announcing the approach of Sabbath, the Israelite went on land to enjoy there the Sabbath day. Also in this case Rabha allowed the wine left alone on the boat with the heathen, on the above basis. The possible objection here--viz.: The heathen, knowing that the Israelite will not on Sabbath come back to the boat, will have no fear of being surprised, Rabha meets by

saying that the heathens do not believe the Israelites to keep the Sabbath so strictly, and he corroborates this view by citing the words of the proselyte, Issur, who told him that, when yet a heathen, he was sharing in the general conviction of all other heathens that the Jews merely *pretend* to observe the Sabbath day, because if they actually kept it, there would be found the pocket-books lost in the streets, since the Jews are prohibited from picking them up on Sabbath. However, the proselyte went on: Since he became an Israelite he has learned to know better the law laid down on this point by R. Itz'hak--viz.: When an Israelite finds on Sabbath a pocket-book, he must stop for a while, then move on for a distance less than four ells, stop again, etc., till he reaches his house, where he may leave it, and this is the reason why there are no pocket-books in the streets on the day of Sabbath.

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An Israelite once happened to leave his wine in the press. Meanwhile a heathen, who heard the roaring of a lion, ran into the press among the casks of wine for his life. Rabha allowed this wine, because the heathen will surely think that some Israelite, too, may chance to save himself here from the lion, and thus take him by surprise, were he to attempt at touching the wine.

In the city of Pumbeditha thieves once intruded into a house, and it was afterward feared that the casks of wine had been opened by them. As it was not certain whether the thieves were Jews or heathens, the case was brought before Rabha, who allowed the wine on the ground that the majority of thieves in that city are Jews. In a similar case that occurred in Nahardea, Samuel, too, allowed the wine.

A heathen girl was once found among the casks of Jewish wine, holding in her hands wine froth. Rabha allowed the wine, for she might have gotten the froth on the outside of the cask, which, though now no longer noticeable there, might have come out before by chance.

Soldiers once arrived at Nahardea and opened quite a number of Jewish casks. R. Dimi tells of a similar case that occurred in Palestine, and R. Elazar allowed the wine, with no definite reasons, however, to base this decision; he either guided himself by the opinion of R. Eliezar, who holds that a doubt as to whether or no a heathen came near the wine found open is a reason to allow it; or he assumed that the majority of the soldiers were Jews.

A Jewish woman, dealing in wine, once left her keys in charge of a heathen, and the question came up as to whether her wine she has in the tavern is allowed? Said R. Itz'hak in the name of R. Elazar: A similar case was once cited before the sages assembled in college, and they allowed the wine; because entrusting one with the taking care of the key by no means allows him into the room. Abayi said: A like decision is pronounced in the following Boraitha: When one leaves to the care of an ignoramus the keys of his barn where fruit is stored up, the fruit is not defiled, because the keeper of the key is only appointed to watch the key. It is thus obvious that, since in the case of an ignoramus who is ignorant of the rules regarding cleanness the fruit is none the less allowed, the more so in case of the wine. It must, moreover, be concluded from here that the provisions of wine are not so stringent as those of

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cleanness. The like was, indeed, taught, as follows: When a Jewish scholar lives in the same

house with an ignoramus, each having his own courtyard separated from the other's by a low partition, so that one can look over into the other one's yard, and the scholar stores up in his yard something capable of being defiled, and goes away, these things are rendered unclean on the assumption that his ignorant neighbor has touched them. But if the scholar's neighbor is a heathen and the former deposited wine in his own yard, this is, according to Rabh, allowed. R. Johanan, however, holds that the former, too, remains clean.

MISHNA IV.: When an army enters a town in time of peace, the open wine-casks are forbidden, the closed ones are allowed; but if in time of war, both are allowed, for there is no leisure then to make libations.

GEMARA: This Mishna was contradicted from the following: When a city is conquered by a besieging army, the wives of the priests are prohibited to their husbands. Whence it follows that the soldiers find time for debauchery. Thereupon replied R. Mari that they do not find time for offering wine, but they find it for satisfying their voluptuous inclinations.

MISHNA V.: Artisans who are offered by a heathen a cask of offered wine as their remuneration, are allowed to ask of him its worth in money; if, however, the wine has already entered their possession, they are forbidden to ask it.

GEMARA: R. Jehudah said in the name of Rabh: A Jew may say to a heathen, Go and pay for me the government taxes, without becoming liable, even if the heathen gave to the treasury wine instead of money. The following Boraitha was, however, adduced as objecting to this view: A Jew is not allowed to ask a heathen: Go and gratify for me this or that officer. Hereupon Rabh answered: The two cases are incomparable; *I* allow a Jew to pay his taxes through a heathen, while the Boraitha prohibits him from asking the heathen to do such a thing for which doing the Jew is himself responsible.

MISHNA VI.: He who sells his wine to a heathen is allowed to use the money, provided he has fixed the price *before* measuring the wine, but if he had first measured out and then determined the price, the money is forbidden.

GEMARA: Amemer said: The law governing the transition of title in an object with the object itself extends to non-Israelites as well; instance the Persians, who are in the habit of sending presents to one another; they can never get back the present

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which once reached the possession of the other one, since *ex facto* the title passes to the latter and the present is regarded his ownership. R. Ashi, however, questioned this positive extension of the law, and rejected the adduced instance as not convincing, because the fact that the Persians do not return presents is due merely to the pride they take in not *asking* back whatever they have once given away (but if they were asking it back, it would have to be returned). This view can be further substantiated by the following: Rabh was instructing the Jewish winesellers to take of the heathen the money *before* giving him the wine, and to rather lend him money for which he might buy his wine, than to give him wine on credit, for by the fact of getting the wine he does not yet obtain title therein, hence, he renders it as Jewish wine unallowable for use. This shows convincingly that the law mentioned at the outset is not extended to non-Israelites.

Thereupon it was further argued that Rabh would prohibit the wine only when it has been measured out to the heathen in *his* vessels, which fact, apart from the question of ownership, renders of itself the wine forbidden. But, was again contended, admitting this argument, we can none the less say that the question of ownership *is* concerned here--viz.: The wine becomes unallowable as soon as it reaches the bottom of the heathen's vessel, but it becomes his property as soon as the Israelite *begins* to pour it, *i.e.*, *before* it reaches the bottom of the heathen's vessel and when it is yet allowed, and still Rabh instructs the wineseller to take the money *first*. Whence it may be inferred that the flow is considered a connecting link.

Shall we assume that Rabh. told the Jewish wine-dealers to have their heathen customers pay in advance, because he holds that the jet between the two vessels unites them so as to be regarded one, wherefore the wine becomes forbidden as soon as the first drop of it touches the heathen's vessel? However, the adduced is not at all evidence that the said law is not extended to the non-Jews, for if the heathen kept the vessel in his hand while the [Israelite](#) is pouring Rabh would not prohibit the money, as he prohibits only when the vessel stands on the ground while the pouring is being done. It can, however, be shown that, notwithstanding this, it is evidence against the extension of the said law. For, the wine is the heathen's property as soon as it enters his vessel, and yet it is not forbidden, unless he touches it; and the Israelite would be allowed to take the

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money also after, were this law extended to the non-Jews, too. Now that Rabh requires the payment to be made in advance, it is clearly shown that the law is not extended beyond the Jews.

Or shall we assume that Rabh. holds that so long as the object sold is in the vendors' house, though in the purchasers' vessel, it is not regarded as received until after the purchaser takes it into his hand? But this would speak neither for nor against the extension of the law. The fact is that Rabh. requires payment in advance for an entirely different reason, viz.: he fears lest the vessel brought by the heathen to the Israelite have some wine drops on its brim, so that as soon as the wine poured in touches them it gets all prohibited.

If we admit this to be the case, it would seem that Rabh. differs with R. Simeon b. Gamaliel who said: When forbidden wine is entered into allowed one, it is not allowed to drink, but it is allowed to sell it and derive benefit from its money, excepting however the worth of the admixed forbidden wine, which should be cast into the sea. Nay, Rabh. does not differ with, but holds that R. Simeon allows the benefit of the wine only when there was mixed among many casks one of forbidden wine; then all casks may be sold and the worth of the one forbidden should be cast into the sea: but if wine is mixed with wine, also he prohibits all benefit thereof.

The following objection was raised against Amemar: When an Israelite buys of a heathen old silver where he finds an idol, he should, upon receiving title in, and paying money for, the silver, throw the idol into the sea; if, however, he has not yet paid the money for, though already received, the silver, he should return the same, saying: I do not buy it. Now, if the law were extended to non-Jews, how could here the Israelite return the silver already received by him? Said Abayi: This is no objection, as in this case the transaction is made merely by error, the Israelite believing all the time that he receives old silver and not an idol; hence, as he had not in mind to buy an idol, he may return it. But, rejoined Rabha, if you consider this but an erroneous transaction, why should the Israelite cast the idol into the sea, once he has paid the money? Why should he not rather return it also here and disclose the error? The answer is that the Israelite



may, indeed, regard the transaction erroneous, but lest it should appear as if the Israelite is getting money for an idol, the sages prohibited him to return it.

Mar, the elder son of R. 'Hisda, said to R. Ashi: But it is

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expressly stated in the Mishna that if one sells his wine to a heathen and has determined the price before he measures out the wine, the money is allowed. Now, if according to your opinion the foregoing law is not extended to non-Israelites, how should we understand this Mishna? Here of necessity the wine would have to be considered the Jew's property, until after he has received the money; but as the wine becomes prohibited when touched by the heathen, the Jew should not be allowed to take the money therefor? Hence we must say that the law is extended, and the wine (of the Mishna) is regarded property of the heathen as soon as he has received it, so that by touching it he renders prohibited his property, and therefore the Jew is allowed to take the money. Hereupon said R. Ashi. The Mishna may be understood also without your explanation, viz.: He had received the money before the heathen took possession of the wine. But, retorted the other, if so, how is the concluding sentence of the Mishna to be understood, viz.: If he had measured out the wine before he determined the price, the benefit of the money is forbidden? Said R. Ashi: And according to your opinion the wine belongs to the heathen as soon as he has received it, why then is here the money forbidden? You see then that the main point here is the fixing of the price. It is namely the fixing of the price that conditions the passing of the title: if the price was fixed *before* the measuring, the wine is the heathen's and its money is, therefore, allowed; but if *after*, it is not yet the heathen's and its money is forbidden.

Said Rabina to R. Ashi: Come and bear what R. 'Hyya b. Aba said in the name of R. Johanan, if a descendant of Noah steals an object worth even less than a *peruta*, his sentence is death, and the law of returning (the stolen) is not applied here. Now, why is this law not applied here? presumably because the object in question is of so little value that no one will care to require it. Assuming now that the previously discussed law is not extended to non-Israelites, why should a descendant of Noah be subject to capital punishment for stealing from a Jew, when the object is here always to be regarded as remaining the property of the Jew? Hereupon said R. Ashi: It is so indeed, and he is not put to death for the theft, but for his intention to kill the Jew if he attempted to resist. Retorted Rabina: If such be the case, how do you understand the non-applicability in this case of the law of returning? And he answered: As the descendant of Noah causes by said intention a state which he

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can neither annul nor reward, the said law is not applicable here. (Says the Gemara): If so, how is to be understood the last part that when his comrade robs from the first thief the stolen object, he is to be put to death; now, according to your opinion, the second robber who has nothing to do here with the Jew, should not be put to death! Hence it is shown that the law regarding the passing of title in an object (by merely touching it) does extend to non-Israelites.

Once an Israelite said to his neighbor: When I make up my mind to sell this field I will sell it to you. Later on he sold it to a third party. R. Joseph decided that the first one is entitled to the field, provided he gives the same price offered by the other purchaser. Abayi, however, disputed

this decision on the ground that the owner did not fix a price when making the promise to the first party; and, as it is evident from our Mishna, a sale is determined by the fixing of the price, I should like to know if the Mishna concerns itself only with wine because of its being very rigorous, or also with *all* other sales? Come and hear. Aidi b. Abin said: A case similar to that of the fore. going sale of the field was once brought up before R. 'Hisda, and he consulted R. Huna about it. R. Huna decided it from the following Mishna: When one brings to market fruit on animals or men, and a purchaser, asking him to convey this fruit to his house, himself leads the men or animals with the fruit to his house, the fruit is not yet thereby considered his own, and it is immaterial whether the price was determined upon before or after the measuring of the fruit. The two, purchaser and vendor, may yet withdraw. But if the fruit was unloaded and carried into the house, the following conditions are determining: If the price had been fixed before the measuring began, the sale is a sale and neither vendor nor purchaser can withdraw; if, however, the measuring takes place before the fixing of the price, either party may nullify the transaction. It is thus obvious that (the time of) fixing the price is a condition precedent to a valid transaction.

An Israelite once said to his neighbor: When I make up my mind to sell this field, I will sell it to you for a hundred zuz. Sometime later he sold it to another one for 120 zuz, and R. Kahana decided the case in favor of the first party (to whom the owner made the promise). R. Jacob from Naharpakod disputed this decision, contending that the owner, while making his promise, had no desire yet to sell the field; it was only the high

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price of 120 that induced him to the sale, while for a hundred zuz he would not sell it yet. And the Halakha prevails with R. Jacob from Naharpakod; *e.g.*, if one offers to sell to his fellowman an article for a price estimated by *three* people and then two of them find the article to be worth 100 zuz and the third estimated it at 120 zuz, the estimate of the two prevails. But if the condition of the offerer was that the price be *determined* by *three* people, all the three must agree in their determination of the price. (The reason of this distinction is that in the former case the three persons who are to estimate constitute a jury, and hence the majority rules, while in the latter case the three are to *determine* the price, which can be done by persons not on the jury, and hence the determination must be unanimous.) However, if the offerer put up the condition that the price of the article be either estimated or determined by *four*, unanimity is a requisite in both the cases (because by leaving the matter to four people the vendor clearly indicates that he does not want a jury, as a jury never consists of four). Again, if the vendor after empowering three men to estimate the article refuses afterward to abide by their estimate, requiring to choose another three men who, he thinks, better understand the value of such articles, R. Papa says: He has the right to do so, while R. Huna b. R. Jehoshua denies him such right on the ground that with such a right the vendor would be enabled to drag the transaction *ad infinitum*. And the Halakha prevails with R. Huna b. R. Jehoshua.

MISHNA VII.: If the funnel was first used to measure through it into the heathen's flask and then into that of an Israelite, the wine of the latter is forbidden when there has been left in the funnel a drop or so from the heathen's wine. Furthermore, wine left in the vessel after some of it has been poured into a heathen's vessel, is allowed, but the wine poured out is forbidden.

GEMARA: An objection was raised from the following Mishna: The jet formed by the pouring, the streaming flow and the moisture form no connecting link for either defiling or purification, while a cellar does form a connection for both; and according to R. Huna the let, etc., form also

such a connection with regard to wine.

R. 'Hisda once said to the Jewish wine-dealers: When pouring your wine into the cask of a heathen, you either do it abruptly, bending each time your vessel backward, or do it all at

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once--all this in order that the jet may not connect the two vessels. Rabha said to the wine-pourers: Do not allow a heathen to assist you in pouring, for it may happen that a heathen, supporting all alone a vessel, would empty its contents without the aid of the Israelite, and this would render the thus emptied wine forbidden.

An Israelite was once emptying wine from one cask to another by means of a siphon, when a heathen came and touched the siphon. Rabha prohibited the wine in both casks. Hereupon R. Papa, according to others R. Ada b. Mathna, or to still others, Rabina, said to Rabha: Shall we assume that the jet forms a connection, and that on this your decision is based? And the answer was: Nay; this case is of a different nature; the heathen's touching the syphon is equivalent to his touching the cask itself. Mar Zutra b. R. Na'hman said: An Israelite may drink with a heathen from one decanter called *kanishkanin* (having several pipes), provided the former is the first to stop drinking; for if the heathen were the first to stop, the wine left in the pipe would flow back into the decanter and render unallowed the whole wine therein. Rabha b. R. Huna, when at the house of the Exilearch, said the same, and according to others, he himself drank from a *kanishkanin*.

MISHNA VIII.: Devoted wine is prohibited and renders unallowable even by a minimal quantity; the same is the case with devoted wine or water mixed with other wine or water respectively, and be it in a minimal quantity, likewise wine with water or *vice versa*, provided the quantity be such as to impart a flavor to other ingredients. This is the rule: When the two ingredients are of the same kind, a minimal quantity suffices; if, however, they are of various kinds, the imparting of flavor determines.

GEMARA: On his return from Palestine, R. Dimi said in the name of R. Johanan: When an Israelite empties prohibited wine into a reservoir with allowed wine even for as long a time as the entire day, the whole of the wine is allowable, because the allowed wine of the reservoir being every time sixty fold bigger than the first drops of the prohibited wine, keeps the entire wine allowable, *i.e.*, inclusive of the whole prohibited wine emptied into it. Now, how can this view be reconciled with the dictum of the Mishna that a minimal quantity of prohibited wine renders other things forbidden? Not otherwise than by reversing the order of its statement, thus: When

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allowed wine is emptied into forbidden one, and be it in a minimal quantity, the former is rendered forbidden. Come and hear another objection: Our Mishna further establishes "the imparting of flavor" as criterion; does it not mean that the forbidden fell into the allowed? Nay; it means *vice versa*. But if the water spoken of in the first part means forbidden water, we must say that the same is the case with the water mentioned in the second part when it falls into the wine, and the "imparting of flavor" is here the criterion? R. Dimi may say that the entire Mishna

speaks of the permissible falling into the forbidden; but in the first it is the water that is the forbidden, and in the second the wine is the forbidden and the water the permissible. R. Itz'hak b. Joseph on returning from Palestine said that R. Dimi's version of R. Johanan's view was faulty, and corrected it thus: When an Israelite empties forbidden wine from a vessel with a narrow mouth into a reservoir with allowed wine, even the whole day long, the forbidden wine is rendered allowable by the wine in the reservoir on the basis of the sixty to one ratio. Whence it is manifest that R. Johanan allows to do this only from a narrow-mouthed vessel, which makes but a very thin jet, but not from a barrel that has a thick flow. Rabin, however, when he came from Palestine, declared this version, too, as inexact, and formulated R. Johanan's opinion as follows: When forbidden wine falls into the said reservoir and simultaneously a pitcher of water also falls in, the allowed wine of the reservoir is not taken account of; only the water must be reckoned in relation to the forbidden wine, and if it be sixty fold the latter, the whole is allowed. R. Samuel b. Jehudah, on coming from Palestine, said that to Rabin's version R. Johanan adds. Provided the water fell in first into the allowed wine in the reservoir, the incoming forbidden wine becomes allowed; if, however, the forbidden wine first fell into the reservoir and then the water, all remains prohibited, because the wine has met with its own kind and asserts itself. According, however, to another opinion, R. Samuel b. Jehudah explains not Rabin's version, but our Mishna, where it says that wine mixed with wine, even in a minimal quantity, renders it prohibited. This, he says, R. Johanan understands as follows: If wine meets wine only, then a minimum renders prohibited; but if a pitcher of water falls also at the same time, the allowed wine is not counted at all, and the water, greater in quantity than the wine, abolishes it. And it

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is by far not a matter of indifference whether Samuel's explanation is concerned as relating to the said Mishna or to the foregoing version of Rabin. If it refers to the Mishna, he must be understood to allow the wine regardless of the question whether the water was first added to the allowed wine and then the forbidden wine or *vice versa*. On the other hand, if his explanation applies to Rabin's version, he presumably holds that the water must come first and then the forbidden wine.

It was taught: If forbidden wine falls into a reservoir, and simultaneously a pitcher of water, 'Hiskia prohibits it, provided the forbidden increased the quantity; but if the water increased the quantity, then he allows it. R. Johanan, however, allows also in the case when the quantity was increased by the forbidden. R. Jeremiah asked R. Zera whether the difference of opinion exhibited by 'Hiskia and R. Johanan is the same as that shown by the respective opinions of R. Eliezar and the sages in the following Mishna: In a case when both ordinary and Teruma leaven fell into a dough and neither of the two would of itself cause fermentation, but together they would do so, R. Eliezar guides himself by that which fell in last, while the sages hold that the Teruma leaven does not render prohibited, unless it suffices to cause by itself fermentation, and it is immaterial whether it fell in first or last. Replied R. Zera: How can this be borne in mind? Did not Abayi say that R. Eliezar allows the dough only when the Teruma leaven was put in first, then taken out and the other leaven put in; but if the Teruma leaven remained, the dough is prohibited? 'Hiskia allows the wine even when the forbidden one remains. The difference in the opinions of 'Hiskia and R. Johanan concerns only the consideration (*i.e.*, whether the allowed wine may be considered as non-existent). R. Johanan holds this theory of consideration, while 'Hiskia does not.

The following was taught in support of this: R. Ami, according to others R. Assi, said in the

name of R. Johanan: Suppose two goblets, one containing ordinary, the other Teruma wine, each diluted with water; if now the two wines be mixed into *one* goblet, the ordinary wine is not considered as existing at all, hence, if the water is to the Teruma wine in the ratio of sixty to one, the wine is negligible.

*"This is the rule: When the two are of the same kind, a minimal quantity suffices; if, however, they are of various kinds the imparting of flavor determines."* Rabh and Samuel say that

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all objects biblically forbidden, render by minimal quantity prohibited all other objects of the same kind; but if of a different kind, they are made unallowable only when the flavor of the forbidden is perceptibly imparted to them. And this is inferred from the expression of the Mishna "this is the rule," which expression would be superfluous if not for generalizing this biblical prohibition. On the other hand, R. Johanan and Resh Lakish both decide all such cases of biblical prohibition by the rule of "imparting flavor", irrespective of identity or diversity of kinds; and the expression of the Mishna "this is the rule" they explain as including a mixture of grain from which it is not known whether Teruma and tithe were separated.

There are two Boraithas, one held in the sense of Rabh and Samuel, the other in that of R. Johanan and Resh Lakish: (1) All objects biblically forbidden render objects of the same kind prohibited by minimal quantity, objects of another kind by the imparting of flavor. (2) All objects biblically forbidden render *all* other objects prohibited by the imparting of flavor irrespective of kind; the mixture mentioned above and the wine form the only two exceptions: A mixture from which Teruma has not been separated, as well as offered wine, renders objects of the same kind forbidden by minimal quantity; objects of a diverse kind, by imparting flavor. The rigorousness of the wine regulation is readily justified, when we remember that here idol-worship is concerned; but why is it applied also to the mixture? The answer is that as regards the separating of Teruma the same law holds good--viz.: When the owner separates as Teruma but a single grain from a heap of 1,000 measures, it is, according to Samuel, sufficient; hence, when from such a heap of 1,000 measures, from which no Teruma has as yet been separated, a single grain comes to another heap of like magnitude, the latter is rendered prohibited. And there is also a Mishna to the same effect: According to the sages an object renders prohibited other objects by minimal quantity when they are of the same kind, but if they are of various kinds, the imparting of flavor is the deciding factor.

MISHNA IX.: The following objects are forbidden and render prohibited by minimal quantity: Offered wine, an idol-image, holed hides, an ox sentenced to be stoned, the heifer destined for breaking off her neck, the fowl sacrifices of the leper, the hair of a Nazarite, the first-born of an ass, meat cooked in milk, the kid exported on the Day of Atonement, and

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ordinary cattle slaughtered in the courtyard of the temple. All these objects are themselves forbidden and render prohibited by their minimal quantity.

GEMARA: If the Mishna classifies these objects on the basis of their perceptible number, why does it not include here pieces of a carcass? Or if it enumerates only objects of which all benefit



is forbidden, why does it not include leaven on Passover? Said R. 'Hyya b. Abba, according to others, R. Itz'hak of Naph'ha: The Mishna enumerates here objects that are both perceptible in number and prohibited for all benefit.

"*All these objects.*" What does this expression exclude? Objects whose number is a matter of indifference, their benefit, though, being forbidden; or *vice versa*, objects allowed for benefit and perceptible in number; it is such objects that render prohibited not by minimal quantity, but by imparting flavor.

MISHNA X.: When offered wine flows down into a reservoir of wine, the benefit of the whole wine is forbidden. R. Simeon b. Gamaliel, however, says: The whole is allowed to be sold to heathens, excepting the worth of the offered wine therein.

GEMARA: Said Rabh: The Halakha prevails with R. Simeon b. Gamaliel only in the case when a cask of devoted wine was mingled among casks of Jewish wine; but when devoted wine is mixed with other wine, the whole is forbidden. Samuel, however, says: The opinion of R. Simeon b. Gamaliel prevails as the Halakha concerning wine also. With Samuel agree Rabba b. b. 'Hana in the name of R. Johanan, R. Samuel b. Nathan in the name of R. Na'hman in the name of Rabha b. Abuhu. R. Na'hman himself, however, said that for practice it should be decided thus: If it is definitely known that the admixed wine was devoted wine, Rabh's procedure is the right one; but if the case is doubtful, Samuel's view is to be followed.

MISHNA XI.: A stone wine-press waxed by a heathen must only be washed to remain clean; but if it is of wood, Rabbi says it must only be washed, while the sages say that the wax must be wholly removed. Finally, if it is a clay press it is forbidden even when the wax has been removed.

GEMARA: Rabha interprets the Mishna thus: The washing suffices only when the heathen waxed the press, but if he pressed his own wine therein, the entire wax must be removed. Is not this self-evident from the fact that the Mishna does not mention the pressing? Lest one say that the expression of the

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[paragraph continues] Mishna is *not* exclusive of the other case, hence his interpretation. Here is a case to this effect. An Israelite once appeared before R. 'Hyya asking him thus: Send a man with me to investigate whether my wine-press is in legal order, so that I might press my wine therein. Hereupon R. 'Hyya said to Rabh: Go and examine the man's press, but state your opinion in a manner as not to excite any dispute in the college. Upon examining the press, Rabh. found it smooth, and thought it need only be washed. However, further examination revealed to him a fissure in which some wine, though dried up, was noticeable; then he decided that washing is not sufficient, but that the wax must be wholly removed, adding: I now understand the apprehension of my uncle regarding a possible dispute in the college consequent upon my decision; indeed, had I but relied upon my first superficial examination, my decision would have been disputed.

The rabbis taught: A press, a ladle, and an earthen funnel that belong to a heathen and are not waxed Rabbi allows to use, provided they have first received a washing, while the sages prohibit

them. As to the use of earthen wine-pitchers, Rabbi, too, forbids it, for such pitchers are used for a greater length of time, while the foregoing vessels are used but temporarily; but again, if these vessels are of wood or stone they are, after being washed, allowed if not waxed, but if waxed they are forbidden. Now, this last prohibition seems to conflict with the Mishna which declares clean a stone press waxed by a heathen, provided it be washed before using it? The answer is that the press of the Mishna is, though waxed, yet not used by the heathen, while the Boraitha speaks of a press where the heathen pressed wine.

The master says: A press, a ladle and an earthen funnel that belong to a heathen, are allowed to use upon being washed first, while the Mishna prohibits an earthen press even after the wax thereof has been removed? Said Rabha: In the Boraitha it is Rabbi that allows, while the sages forbid here as well as in the Mishna.

Rabha lectured: When an Israelite wishes to use a heathen's wine-press, he must first wash it with boiling water. When Rabha once sent his wine-pitchers to Harpania through a heathen, he put each pitcher-mouth downward into a sack and sealed the latter, thereby effecting a double sealing; for he was of the opinion that the sages prohibit such vessels as used to preserve

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wine for a long time, even if they have been but for a short time in the hands of a heathen.

How should the washing prescribed in both Boraitha and Mishna be done? Rabh says, with water; while Rabba b. b. 'Hana says, with ashes--that is to say, the two require the washing to be done with both water and ashes, and differ only as regards the order, Rabh requiring the water first, and Rabba the ashes first; not is their point of difference one of essence, as the former has in view dry vessels and the latter moist ones. The disciples of Rabh at Suro said in his name that the washing is done as follows: To dry vessels apply first water, then ashes, and then again water; to moist vessels, first ashes, and then water. The same disciples said in the name of Samuel: To moist vessel apply in this order: ashes, water, ashes; to dry ones, in this order: water, ashes, water, ashes. The disciples of Rabh at Pumbeditha quoted him as holding the just-cited view of Samuel, and Samuel as requiring this procedure: To moist vessels, ashes, water, ashes, water, *i.e.*, four; to dry vessels, water, ashes, water, ashes, water, *i.e.*, five processes; hence, Rabh and Samuel are of the same opinion, with the only difference that the former does not count the last water, which Samuel does.

R. Abuhu on being once asked how the cover of a heathen's press should be cleaned, answered with the following Boraitha: Wine or oil-presses of an Israelite that have become unclean must be cleaned in the following manner: The sideboard of the press, the press itself and the brooms must be washed with water; the press cover, however, if made of hemp stalks or osier, must be washed according to the directions of Rabh and Samuel; but if it is of reed or thin wood, it must be left unused for a year; R. Simeon b. Gamaliel, however, finds the period between two consecutive press-seasons sufficient, which period is sometimes more sometimes less than a year. Said R. Jose: If the cover is needed for immediate use it should be put in boiling water or passed through the boiler where are roasted the olives from which the oil is pressed. R. Simeon b. Gamaliel said in his name: The cover may be put under the water of a cascade or of a spring. And for how long? For an *Onah*. The same laws which the sages have established with regard to clean and unclean, are also concerning the question of devoted wine.

How long is an Onah? R. Hyya b. Abba said in the name of R. Johanan: An Onah is the length of either a day or a

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night. R. Hana b. Sheina, according to others, R. Hana b. Sheina, said in the name of Rabba b. b. 'Hana that R. Johanan makes an Onah equal to the length of a half a day and night. However, according to each version, the Onah equals twelve hours, since the one refers to the equinox and the other to the solstice season.

R. Jehudah says: The bags of the heathens through which the wine is filtered of its dregs, are subject to the following regulations: If they are made of human hair, they must first be washed with water before an Israelite may use them; if of wood, they must pass through water and ashes; finally, if of linen, they must be set aside for twelve months, and if they have knots they must be unravelled. Baskets and beehives used by the heathens in working the wine, are under these rules: If woven of palm-twigs, they should be washed with water before the Israelite uses them; if of reed, the washing should be with water and ashes; linen sieves must be put aside for twelve months, and if they have a knot it must be opened.

What must be done when an ignoramus thrust his hand into the wine-press and touches the grapes and the wine? Of the two sages, Rabbi and R. 'Hyia, one says only the grape touched by him and whatever is immediately adjacent thereto is unclean and must be removed from the press, but not the rest; while the other says: All that the press contains is defiled by his touch. The former opinion seems to conflict with the following Mishna: A reptile found in an oil-mill renders unclean only the place touched by it, but if there be a flowing liquid, all becomes unclean. The answer is that the grapes are on the twigs of the cluster, so that wood intervenes between the place touched and the fluid, and wood is not receptive of uncleanness.

The sages taught to R. Jeremiah, according to others, to his son, that the Halakha prevails with him who says that only the part touched by the Amharetz and its immediate environment are unclean, while all the rest in the press is clean.

**MISHNA XII.:** Utensils bought of a heathen must be cleansed according to usages: if they are customarily immersed in water, they must be cleansed so; if boiled, by boiling; if glowed, by glowing in fire. A spit or a gridiron must be glowed; a knife is cleansed even by grinding it.

**GEMARA:** There is a Boraitha: The objects mentioned in the Mishna, upon being cleansed in the prescribed manner, must be again immersed in a tank holding forty saah of water.

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Whence is this deduced? Said Rabha, from [Numb. xxxi. 23]: "Everything that cometh into the fire, shall ye make go through the fire, and it shall be clean." The apparently redundant phrase "and it shall be clean" calls for another cleansing, which is the last immersing.

Bar-Kapara taught: The last sentence of the verse is introduced by "yet" in order not to give rise to the belief that the said objects must on the third and seventh day be besprinkled with the

sprinkling water. Moreover, the term *mei nidah* (i.e., the waters where the menstruant woman bathes) is used with a view toward emphasizing the necessity of immersing them not merely in water, but in a tank holding forty saäh thereof. Again, it is also evident that both the sentences, that "it shall be clean," and the next one, "yet it," are necessary: the former alone would merely indicate the necessity of an additional immersing in general (and not in forty saäh); while the other sentence alone would give ground to assume that the rules regulating the said utensils are identical with those providing for the woman's cleansing of her menses, which is, besides the immersing, yet conditioned by the sunset; hence, the former sentence serves to prevent such an assumption. R. Nahman said in the name of Rabba b. Abuhu: New utensils, too, bought of a heathen, must be cleansed, just as vessels passed through fire must none the less be also immersed; whereto, R. Sheshith opposed, saying that according to this opinion scissors bought of a heathen would also need immersing, to which R. Nahman replied that it is only kitchen utensils that are concerned here. R. Nahman said again in the name of Rabba b. Abuhu: The rule of immersing applies only to utensils bought as it was in Midian, but not to those borrowed of a heathen.

R. Itz'hak b. Joseph happened once to buy of a heathen an earthen vessel and wanted to immerse it, when R. Jacob said to him: I have heard from R. Johanan that only metallic vessels need immersing. R. Ashi said: Vessels of glass, too, must be immersed, for they can, after being broken, be restored to their former state, wherefore they equal those of metal. As to glazed vessels R. A'ha and Rabina express their opinions as follows: One holds that as these vessels are of earth they need not be immersed; while the other maintains that since in glazing lead is used, these vessels are regarded as metallic, and need immersing; and so the Halakha prevails.

The schoolmen propounded a question: Is it allowed to use

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without immersion a new vessel received of a heathen as a pledge? Said Mar b. R. Ashi: A heathen once left with my father a silver goblet as a pledge, and he had first immersed and then used it; however, I am not in a position to tell whether my father was of the opinion that a pledge is in general regarded as bought, wherefore immersion thereof is obligatory, or he knew in that particular case that the heathen was not going to redeem the goblet, so that it surely remained his property.

The rabbis taught: New kitchen utensils bought of a heathen need immersion; furthermore, vessels already used by a heathen, but merely for preserving cold articles, such as goblets, small wine-pitchers and glasses, must be first washed with, and then immersed in, water; vessels, however, already used by the heathen to preserve warm food, etc., such as kettles, pans and water-boilers, must first be passed through boiling water and then immersed; finally, vessels used by the heathen only on fire, such as spits and gridirons, must first be glowed and then immersed. In case, however, an Israelite made use of such utensils without having submitted them to the prescribed process of cleansing, all that was kept or prepared in them is, according to one Boraitha, forbidden, and according to another, allowed; the one basing itself upon the opinion that all forbidden objects, even if they make a food when mixed to it insipid, render it prohibited, while the other Boraitha guides itself by the opposite opinion. But, may be asked in this connection, how does he who leaves an object allowable provided the admixed forbidden thing augmented its insipidness, interpret the Scripture's prescribing to the Israelites to cleanse the vessels they acquired through their conquest of the Midianites? Said R. 'Hyia b. R. Huna:

The prescription of Scripture just alluded to concerns only such kitchen utensils in which food was prepared during the very day of the conquest, as they were not capable yet to render other things more insipid. And the Scripture did not allow to leave these vessels for a day or so when they would render food insipid, fearing lest one would be tempted to use them on the very day of the conquest.

R. Amram said to R. Sheshith: The Mishna says that "spits and gridirons must be glowed," whereas we learned with regard to such utensils that if meat of a sacrifice was roasted on them, they must be passed through boiling water before other such meat may be roasted on them? Said R. Sheshith: Amram, my son, the two cases are incomparable: Here the utensils absorb

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an allowed object, while the vessels of heathens absorb forbidden things, and can be, therefore, cleansed only by glowing. Rabba, however, finds the two cases comparable, because as soon as the meat of the sacrifice remains on the spit or gridiron for an interval longer than the one prescribed for eating it, its vapor, which is already unallowed, is absorbed by the vessel, therefore "boiling" includes also scouring and rinsing. Hereupon said Abayi: Such cannot be the case, for the scouring and rinsing take place in cold water; while in the case of sacrificed meat the vessels are passed through boiling water; it must then be understood that both the spit and gridiron of the heathen and those used to roast sacrificed meat on must, in order to be used again, first be glowed and then passed through hot water. As to the Mishna, it mentions only glowing, for the passing through boiling water is seen from the Boraitha; in like manner does not the latter mention the glowing which is clearly stated in the Mishna. Rabba, however, finds this explanation incorrect; for, he says, if this were the reason of the omission, either the Mishna or the Boraitha would have to state both methods of cleansing; then in the other one, where only one method is given, the inference as to the second method, too, could be justly made, but as the case is now, the two are not mutually supplementary (but rather exclusive). R. Papa, however, reconciles the two (Mishna and Boraitha) as follows: The utensils of the heathens retain all they absorb, as they are not used daily; while those on which the sacrificed meat is roasted are used continually and are, therefore, not left to cool off and to absorb the vapors. Said R. Ashi: The most plausible explanation is that offered above by R. Sheshith, and as to Rabba's objection there, that the utensils will, when next used, evaporate the previously absorbed vapors that have become forbidden, it can be met thus: The evaporation is considered merely as odor and deserves of no attention.

For how long must the utensils remain glowing in fire? Said R. Mani: Until their surface is peeled off. In cleansing vessels by passing them through boiling water, the water must all cover them, according to R. Huna. But if the vessel is very big? Come and hear: It once happened at R. Akabia's that a big kettle needed cleansing, and he had the kettle brimmed high with dough, so that the water poured into it reached above the kettle; this water was made to boil and the kettle was cleansed therewith. Said Rabba: Who can equal R. Akabia in wisdom,

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so as to invent so ingenious a device! for the brim of the kettle which was unclean only by reason of the forbidden prepared therein and the drops spouting upward, is now cleansed by the drops of the boiling water spouting upward upon the brim.



"A knife is cleansed even by grinding it." R. Ukba b. 'Hama said: It means the knife should be ten times stuck into the earth in and out. Added R. Hunab. Jehoshua: It must be earth that has not been yet cultivated. R. Kahana remarked: The knife which is to be thus cleansed must have no hole on its surface. There is a Boraitha in support of this: A knife wholly smooth on its surface may be cleaned by sticking it in the ground ten times. Said R. Huna b. Jehoshua: But then you can eat with it only cold food; and if you want to use it also for warm food, you must first pass it through boiling water. As it once happened that Mar Jehudah and Bati b. Tubi were guests at the table of King Sabur when a citron was served; the king took a piece from it for himself and another piece he tendered to Bati b. Tubi; then he took the knife, stuck it in the ground ten times, cut off another piece, and gave it to Mar Jehudah. Thereupon said Bati b. Tubi: Am I not an Israelite that you thus cleanse the knife for him and not for me? And the king answered: I am convinced of Mar Jehudah's profound piety, but not of yours. According to others, however, the king's answer was this: Recall what you committed last night. (See Rashi's explanation of this last answer.)

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## Footnotes

[136:1](#) The text treats here of the question as to whether the reward of a harlot is allowed in case she was paid after; which we deem not in place here and therefore omit it.

[141:1](#) For a contradiction to this from a Boraitha, see Middle Gate.

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