



## Stam Yayin

The *Mishnah* (2:3) teaches that *stam yayin*, wine handled by a goy, is forbidden. It is not only forbidden to drink but also forbidden to derive any benefit from (*assur be'hanaah*). What is the source of the prohibition?

*Rashi* (29b) explains that the concern is that the wine was used for libations as part of idol worship – *yayin nesech*. The *Gemara* continues by providing the source, that were that the case, it would indeed be *assur be'hanaah*.

The *Tosfot* however notes that we learn in a later *Gemara* (36b) that the reason for the prohibition is *mishum be'noteihim*. In other words, it is out of concern that sharing wine will lead to intermarriage. The *Tosfot* assert that that alone was the basis for the prohibition. Indeed, this was the bases for similar *gezeirot* regarding their bread and oil. A major difference with wine however is that it is also *assur be'hanaah*. The reason why it was made *assur be'hanaah* at the outset, was once it was going to become *assur*, it resembles *yayin nesech* and it is treated as such. The *Tosfot* explains that that is why the *Gemara* immediately asks for the source of why *yayin nesech* is *assur be'hanaah*.

How do we understand the *Tosfot* that it was made *assur be'hanaah* due to its similarity to *yayin nesech*? The *Bach* (YD 123:2) explains that the similarity alone was the basis from the outset. In other words, when the *Chachamim* implement a decree, they would do so to resemble or follow an existing biblical prohibition. *Yayin nesech* is the most similar to *stam yayin*, therefore it was also made *assur be'hanaah*. The *Bach* continues that it is not because, were it only made prohibited to consume then people would confuse *stam yayin* with *yayin nesech*, and also mistakenly permit deriving benefit from *yayin nesech*. If that were true, then in a place or time when

there is no *yayin nesech*, there would not be no reason to make *stam yayin* also *assur be'hanaah*. That however is not the case.<sup>1</sup>

The *Rashba* (*Torat HaBayt* 5:1) however explains that the *gezeira* came in two phases. The first was prohibiting the consumption of *stam yayin*. Again, out of concern that joining with their wine consumption, generally consumed in a festive environment, would lead to intermarriage or relationships, which would then lead to idol worship. The concern was not so remote considering that there was a precedent with the daughters of *midyan*. Later however, when they noticed the widespread practice of *yayin nesach*, they added the second *gezeira* treating *stam yayin* like *yayin nesech*.

The *Shoshanim Le'David* uses these two understandings to explain that language of our *Mishnah*. The *Mishnah* begins, “these are the things belonging to idol worshipers that are prohibited, and it is prohibited from deriving any benefit”. The *Mishnah* could have been written more succinctly, “these are the things belonging to idol worshiper from which one is not allowed to derive benefit”.

According to the *Tosfot*'s understanding, the *Mishnah* begins by explains that these things, *stam yayin*, are *assur* due to the concern of intermarriage. Once they are *assur*, since it now is similar to *yayin nesech*, it is also *assur be'hanaah*.

Similarly, according to the *Rashba*'s understanding, the double language regarding its prohibition, is a reference to the two stages in which *stam yayin* was firstg prohibited, and then prohibited from benefitting from.

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<sup>1</sup> The *Bach* continues citing the *Rashbam* however, who references *Rashi*, who cites the *Geonim* who maintain that nowadays *stam yayin* is not *assur*

*be'hanaah*. He explains that they must maintain like the *Ran* that the *issur ha'hanaah* is due to the protentional confusion with *yayin nesech*.

## Revision Questions

עבודה זרה א' ד' – ג' א'

- When is one allowed to enter a city of idol worship during their festival? (א' ד')
- List some items that may not be sold to an *akum* at any time during the year? (א' ה')
- Regarding the previous question, what is the general rule regarding all other items? (א' ה')
- What are the three opinions regarding which (farm) animals can be sold to an *akum*? (א' ו')
- What other animals may not be sold? (א' ו')
- Which joint-construction venture may one not partake in with an *akum*? (א' ו')
- What specific types of jewellery are mentioned by the *Mishnah* as those forbidden to make for *avodah zara*? (א' ח')
- Explain the debate regarding renting and selling fields and houses to *goyim* in: (א' ח')
  - *Chutz La'aretz*.
  - *Eretz Yisrael*.
- Why is one unable to rent out a *merchatz* to a *goi*? (א' ט')
- What two things may one not do for a *nochri* baby? (א' ט')
- What type of *refuah* may one receive from a *goi*? (ב' ב')
- List four items belonging to *goyim* that are *issurei hana'ah*? (ב' ג')
- Explain the opinion of *R' Akiva* regarding meat used for *avodah zarah*. (ב' ג')
- List three differences between *R' Meir* and the *Chachamim* regarding items that belonging to *goyim* that are *issurei hana'ah*? (ב' ד')
- According to *R' Yehoshua* what is the reason that cheese belonging to *goyim* is not permitted? (ב' ה')
- List four items belonging to *goyim* that are *assur* but they are not *issurei hana'ah*? (ב' ו')
- List five items belonging to *goyim* that are permissible to eat? (ב' ו')
- From which type of *chagavim* must one take *trumah*? (ב' ו')
- Explain the opinions of *R' Meir*, *Chachamim* and *R' Shimon Ben Gamliel* regarding *tzelamim*? (ג' א')

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Avodah Zara 3:2-3	Avodah Zara 3:4-5	Avodah Zara 3:6-7	Avodah Zara 3:8-9	Avodah Zara 3:10-4:1	Avodah Zara 4:2-3	Avodah Zara 4:4-5

