



Volume 4. Issue 40

Which wine?

A prominent issue discussed in the final perek of Avodah Zarah is the scope of the prohibition to benefit from wine that was used for the purposes of idolatry.

The *Rambam* writes in *Hilchot Ma'achalot Assurot* (11:1) that the prohibition against material benefit (in addition to consumption) from wine used for idolatry is scriptural based, and not merely rabbinic, and subject to the punishment of lashes. The *Radbaz* cites the *Rambam's* source as a *gemara* in *Avodah Zarah* (29b) where the prohibition is learnt from a *hekesh* (scriptural juxtaposition). The position of the *Rambam* is reiterated in *Sefer Hamitzvot*, where he counts this prohibition as one of the base 613 commandments in the *Torah* (Prohibition 194). The *Ramban*, however, rejects the assertion that a *halacha* derived from a *hekesh* can be regarded as a base commandment. The *Sefer Hachinuch* (Mitzvah 111) comments that apart from the scriptural source, this prohibition serves as a mechanism to prevent exposure and interaction with idolatry and idol worshippers.

Using this scriptural prohibition as a platform, *Chazal* prohibited deriving benefit from all wine belonging to non-Jews and wine belonging to Jews which has been handled by a non-Jew (*Shulchan Aruch Yoreh Deah* 123:1). The *Tur* (*Yoreh Deah siman* 123) explains that *Chazal* initially prohibited benefit from wine belonging to a non-Jew as a way to negate assimilation, and subsequently extended this prohibition to wine belonging to a Jew that was touched by a non-Jew. Moreover, the rabbinic prohibition carries the same stringencies as the scriptural prohibition.

The *Rambam* presents a leniency (*Hilchot Ma'achalot Assurot* 12:5) in the event where a non-Jew inadvertently came into contact with wine belonging to a Jew whereby it is permissible to gain material benefit from the wine, however, remains prohibited to

consume. The *Tur* (*Yoreh Deah siman* 123) presents the opinion of the *Rashbam* citing *Rashi*, who is further lenient. According to the *Rashbam*, a non-Jew who willingly handles wine belonging to a Jew does not prohibit the wine from being benefited from, as he is no longer familiar with the ritual idolatry practises involving wine. In addition, the *Rashbam* maintains that any practises performed in a way which may resemble idolatry are not performed with intention for idolatry.

The *Remah* (*Shulchan Aruch Yoreh Deah* 123:1) cites the leniency of the *Rashbam* and extends it to include wine belonging to a non-Jew. However, the *Remah* imposes a restriction on this leniency, in that one may not willingly seek financial gain from these wines.

A common solution to avoid the prohibition of wine handled by a non-Jew is to use boiled wine, which may be consumed even if handled by a non-Jew (*Shulchan Aruch Yoreh Deah* 123:3). This *halacha* is also written in the *Tur*, and the *Bet Yosef*, in his commentary on the *Tur*, encounters a difficulty with this ruling. As the rabbinic expansion of the scriptural prohibition was introduced to prevent assimilation, there should be no difference whether the wine was boiled, as *Chazal* sought to minimise interaction. The *Bet Yosef* offers the solution that since boiled wine is uncommon practice, it is not bound by the rabbinic prohibition, which only prohibits wines produced under normal wine-making conditions. The *Taz*, in his commentary on *Shulchan Aruch* refers to the question of the *Bet Yosef* and presents an alternative answer. The *Taz* suggests that since boiled wine is of inferior quality to regular wine, it is not wine appropriate for idolatry practices. The rabbinic prohibition to prevent assimilation was only against wines that are similar to the wines that are scripturally prohibited. In view of the fact that boiled wine would not be used for the purposes of idolatry it is not subject to rabbinic sanction

Shmoiki Berkowitz

Revision Questions

Avodah Zara (4:10-5:11)

- If a *nochri* is standing beside a *bor*, in what situation would the wine contained there be *assur*? (4:10)
- What are the four occurrences that occurred to wine in a *bor* which *R' Shimon* permitted? (4:10)
- If one makes *Tahor* wine and leaves it in the *nochri's* possession what are the attributes of the-
 - a) House
 - b) City
 in which this wine is placed, to ensure it is permitted? (4:11)
- What was the *ma'aseh* that occurred in *Beit She'an* with the someone who was *metaher* the wine of a *nochri*? (4:12)
- If one was hired to produce *Yayin Nessech* what is the status of his salary? (5:1)
- In what situation would the income received from hiring out a donkey be forbidden? (5:1)
- How much *yayin nessech* must fall on dates and figs to make them *assur*? (5:2)
- Explain the *machloket* between *Tanna Kamma* and *R' Shimon Ben Gamliel* regarding a *nochri* who is transporting jars of wine without a Jew being present? (5:3)
- If one leaves his jug of wine with a *nochri* in his store and is not present at all times is that wine *mutar*? (5:4)
- If one was eating with a *nochri* at a table, in what instance would the wine that is placed on the *dulbaki* (side table) –
 - a) *Assur*
 - b) *Mutar*? (5:5)
- If a troop of *goyim* enter a city at a time of peace which barrels of wine are forbidden? (5:6)
- Is a Jewish professional allowed to collect his *sechar* from barrels of *yayin nessech*? (5:7)
- If one is pouring *yayin nessech* between from *kli* to *kli* what is the status of the *kli*-
 - o being poured out
 - o being poured into? (5:7)
- What is the *shiur* of *yayin nessech* needed to make a mixture of *yayin nessech* and another liquid *assur*? (5:8)
- Name five (5) items that are *assur bekol shehu*? (5:9)
- How would *R' Shimon Ben Gamliel* permit the use of *yayin nessech* that fell into a *bor*? (5:10)

Local Shiurim

Sunday -Thursday

Between mincha & ma'ariv
Mizrachi Shul

Friday & Shabbat

10 minutes before mincha
Mizrachi Shul

Audio Shiurim on-line!

- 613.org/mishnah.html
- www.shemayisrael.com/mishna/

Please Daven
for the Refuah
Sheleimah of
Doodie Bankier
– Yisrael
Yitzchak ben
Malka

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
24 February	25 February	26 February	27 February	28 February	29 February	1 March
Avodah Zara 5:12 – Avot 1:1	Avot 1:2-3	Avot 1:4-5	Avot 1:6-7	Avot 1:8-9	Avot 1:10-11	Avot 1:12-13

