

Avodah Zarah – Simanim

פרק ד – רבי ישמעאל

דף סב – Daf 62

1. Wages for working with יין נסך are prohibited

The fifth Perek begins: השוכר את הפועל לעשות עמו ביינ נסך – if [an idolator] hires a worker to work for him with יין נסך (e.g., to transport it), שכרו אסור – the wages are prohibited in benefit. The Gemara asks why the wages are prohibited. Although the יין נסך itself is forbidden in benefit, that should not prohibit the wages in benefit, since if someone sold ערלה or כלאים of vineyards (both of which are prohibited in benefit), and was mekadesh a woman with the proceeds, the kiddushin is valid!? The Gemara suggests that since יין נסך – תופס את דמיו – extends its prohibition to the money given for it, like idols, it would also prohibit wages given for working with it. However, this answer is also rejected, because although shemittah produce is also תופסת את דמיה to give the purchase money shemittah status, yet a Mishnah teaches that wages for working with shemittah are permitted!? Therefore, Rebbe Yochanan concluded: קנס הוא שקנסו חכמים בחמרין וביין נסך – it is a penalty with which the Sages penalized donkey drivers (transporting shemittah produce, as the Gemara explains) and those who work with יין נסך.

2. Rav Chisda advising to burn the wheat and bury the ashes - שכרו לסתם יין

They asked: שכרו לסתם יין – if he hired [the Jew] to work with “their ordinary wine” (i.e., wine of idolators which was not known to be used for ניסוך), is the שכר permitted? Do we say: כיון דאיסורא – since the prohibition of this wine is as strict as full-fledged יין נסך, so the שכר is similarly forbidden, or do we say: הואיל וטומאתו קיל – since its tumah is more lenient (יין נסך is metamei like a dead body, by being carried or through אהל, but יין נסך is only metamei as an ordinary beverage), its שכר is permitted? The Gemara relates an incident in which someone rented out his boat for יין נסך and was paid in wheat. Rav Chisda instructed him to burn the wheat and bury the ashes in a cemetery, proving that such שכר is forbidden in any benefit. [The Gemara explains he could not scatter the wheat, since people would come to benefit from it. Nor could he burn it and scatter the ashes, since it may provide benefit as fertilizer. Burying it without burning it carries the risk that someone discovering it may think it was stolen wheat and not prohibited in benefit.]

3. Borrowing shemittah produce and repaying with eighth-year produce

The Gemara relates: דבי רבי ינאי יזפי פירי שביעית מעניים – People of Rebbe Yannai’s household borrowed shemittah produce from the poor during shemittah, and repaid them during the eighth year with ordinary produce. Rebbe Yochanan told them: יאות הן עבדין – They are acting properly, and the repayment does not have shemittah status. Rashi explains that since the shemittah produce was consumed before the payment was made, it is not considered an “exchange” of the shemittah produce. Rebbe Yochanan added: וכנגדן באתנן מותר – and the parallel case of [a hire’s] hire is similarly permitted to be used on the מזבח. This is based on a Baraisa, which is interpreted to say: בא עליה ואחר כך נתן לה – if he had relations with her and afterwards gave her an animal as payment, אתננה מותר – her payment is permitted as a korban. Since the payment was given after the relations had already taken place, it is not considered payment for the relations.

Siman – Submarine

The submarine captain who was forbidden to use the money given to him for transporting יין נסך and told to burn the wheat paid to him for transporting יין נסך and bury the ashes, borrowed shemittah produce from עניים to pay them back in the eighth year.

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3 things to remember

1. Wages for working with יין נסך are prohibited
2. שכרו לסתם יינן - Rav Chisda advising to burn the wheat and bury the ashes
3. Borrowing shemittah produce and repaying with eighth-year produce

