

26.5.3; 64b (הדור יתבו וקמיבעיא להו גר תושב) → 65b (א"נ דנקיטי ביה קיטרי)

1. בנות מלכים בקרו תיך נצבה שגל לימינה בכתם אופיר: תהלים מה:
 2. ומעולם לא שמעו לא האזינו עין לא ראתה אלהים זולתך יעשה למחכה לו: ישעיהו סד:

I Further questions posed by the four חכמים:

- a Question: does a גר תושב have the purview to negate ע"ז?
 - i Lemma1: perhaps ביטול can only be accomplished by a devotee – גר תושב gave up ע"ז
 - ii Lemma2: ביטול can be accomplished by anyone of the same identity – he is a נכרי
 - iii ד"נ: reasonably, only a practitioner can negate
 - 1 challenge: if a ישראל finds ע"ז in the שוק
 - (a) if: he hasn't yet taken possession, he can have an עכ"ם negate it
 - (b) but if: he already took possession – cannot have an עכ"ם negate it
 - (c) reason: as per dictum – עכ"ם may negate his own ע"ז and that of his fellow, whether or not he worships it
 - (i) interpretation: "בין עובדה בין אינו עובדה" cannot refer to 2 devotees of same cult – already covered in רישא
 - (ii) rather: must mean - גר תושב and עכ"ם
 - 1. correction: means "whether he is a devotee of this cult or of another"
 - 2 challenge: definition of גר תושב:
 - (a) ד"מ: anyone who forsakes ע"ז in the presence of 3 חברים
 - (b) שבע מצוות ב"נ חכמים: anyone who accepts מצוות
 - (c) נבילות אחרים: anyone who accepts all the מצוות, except for eating נבילות
 - (d) wine: we may leave wine with him temporarily, even in a city with רוב עכ"ם, but we may not be מפקיד wine with him, even in a city with רוב ישראל
 - (e) oil: we treat his wine like שמן עכ"ם
 - (f) and: for all other matters – he is considered like any other עכ"ם
 - (i) implication: for ביטול ע"ז
 - (ii) rejection: means that he cannot annul his רשות to a ישראל in the same חצר for purposes of יערוכי חצרות
 - (g) דשב"ג: his wine is י"נ (other version – may be drunk)

II related rulings and cases:

- a רב יהודה sent an offering to a particular non-Jew on a Parthian holiday, defending it by saying that he knows that the recipient doesn't worship ע"ז
 - i challenge (רב יוסף): he didn't accept חברים
 - 1 answer: that's only to give him status for purposes of sustenance (להחיותו)
 - ii challenge: ruling that a גר תושב who doesn't undergo מילה ברית within 12 months is akin to a מין (this fellow didn't)
 - 1 answer: that's only in a case where he committed to
- b דבא sent an offering to בר ששך on their holiday, claiming that he know that he doesn't worship ע"ז
 - i thereupon: he came and found him in hedonistic setting – etc. (vv. 1-2)

III Analysis of second clause – if he hired him for a permissible purpose...

- a question: is this true even if he didn't have him work with י"נ at the end of the day (after his pay period was done)?
 - i challenge: ברייתא which allows this only if the י"נ work was done ערב לעיתותי
 - ii answer1 (אב"י): our משנה is also a case of requesting him to work with י"נ after day is done
 - iii answer2 (רבא): here, he offered him nX to move n barrels; in משנה, offered him X per barrel (supporting ברייתא)

IV Analysis of סיפא – case of donkey driver

- a question: why is this second clause needed?
- b answer: needed for last clause, to prove that he doesn't have rights to put flask down (→ payment not אסור)
 - i challenge: renter has rights to bring clothing, food for trip, flask; חמר - to keep food for one day
 - 1 answer (אב"י): he may put flask, but if he doesn't, there is no "discount"
 - ii question (on ברייתא): what is the case- if there is food on the road, why can the renter take food for entire trip?
 - 1 and if: there is nowhere to buy, why can't donkey driver take food for trip?
 - 2 answer (ר"פ): there are way stations where they can buy; חמר regularly buys there, renter does not
- c story: man sold wine to עכ"ם, then would take them across on the ferry; they would pay him with flasks
 - i students: complained to אב"י, who responded that he was engaged with wine when it was מותר
 - 1 challenge: he wants the wine to stay intact afterwards, (liability)
 - (a) answer: they agree to no liability or bring backup flasks
 - (b) and: he makes arrangement in advance with ferryman