

הלוקח יין מבין הכותים - One who buys wine from among the *Koosim*

Overview

The גמרא cites a case where one bought wine from the כותים; regarding how he may drink it even though תרומות ומעשרות were not yet separated. Our תוספות explains why in general one may drink wine from כותים.

ברייתא היא¹ דבמשנה דפרק ז' דדמאי (משנה ד) לא תני אלא מילתא דרבי מאיר לחודה² -
This is a ברייתא, for in the משנה of פרק ז' cited here (הלוקח יין וכו') it only states the view of ר"מ alone, not of the other תנאים mentioned here.

תוספות responds to an anticipated difficulty:

ואף על גב דרבי מאיר גזר על יינן³ בפרק קמא דחולין (דף ו,א) זאת נשנית קודם גזירה -
And even though, in the first פרק of מסכת חולין, ר"מ made an injunction against drinking wine from כותים, this (משנה) ברייתא was taught before the גזירה –

תוספות anticipates a further difficulty:

ורבי יוסי ורבי שמעון אף על גב דסבירא להו במנחות בפרק ר' ישמעאל (דף סו,ב) -
And regarding מסכת מנחות in פרק ר"ש and ר"י, even though that they maintain in מנחות בפרק ר' ישמעאל

דכותים גרי אריות⁴ הן דאמר תורמין משל עובדי כוכבים על של כותים⁵ -
That גרי אריות are כותים, for they maintain that one may separate תרומה from produce which belongs to a נכרי for produce which belongs to כותים, so how can we drink their wine, it is wine of a גוי, which is prohibited?!⁶

¹ תוספתא דמאי פ"ח ה"ה.

² Only the view of ר"מ is mentioned (not even his name), but not the view and names of the other תנאים brought here. See 'Thinking it over' # 1.

³ How is one altogether permitted to drink כותי even if תרומות were separated?

⁴ גרי אריות literally mean converts (because of) lions. There is a dispute whether the כותים are גרי אריות, meaning that (initially) they were true converts, or they converted because they were being attacked by lions and were told that if they convert, the lions would stop attacking them. This makes their conversion meaningless and they are considered as gentiles. See 'Thinking it over' # 2.

⁵ One may give תרומה from produce which is מחוייב בתרומה on other produce which is מחוייב בתרומה, and one may also give תרומה (voluntarily) from produce which is פטור מתרומה on other produce which is פטור מתרומה, however one may not give תרומה from a נכרי on a נכרי or a כותי on a כותי, because it is הפטור על החיוב or החיוב על הפטור respectively; however one may give from a נכרי on a כותי and vice versa, since it is הפטור על הפטור, for כותים are the same as נכרים since their גירות is invalid.

⁶ We are discussing יינם, meaning wine which we are not aware that the נכרי poured it for ע"ז, rather it is regular wine. תוספות assumes that the prohibition for drinking יינם was made much before the time of ר"י ור"ש.

responds: תוספות

**מכל מקום כיון שפורשים מעבודה זרה יותר משאר עובדי כוכבים ומחזיקין בתורה שבכתב -
Nevertheless since they separate themselves from idol worship more than
other - תורה and they keep the written עכו"ם**

**וגם אלהיהם אינם עובדים כמו שהיו עושים בבית ראשון -
And they also do not worship their idol as they did during בית ראשון
להכי כשגזרו על יינן של עובדי כוכבים לא גזרו על של כותים⁷ -**

**Therefore when they made the injunction regarding the wine of נכרים they did
not include כותים in this injunction -**

**אף על פי שגזרו על פיתם על יינם לא גזרו אי נמי⁸ הכא במטהר⁹ יינם:
Even though an injunction was made on the bread of כותים, nevertheless there
was no injunction for their wine. Or one can say that their wine was purified.**

Summary

Even if we maintain that גרי אריות כותים are אריות, nevertheless there was no גזירה on their wine (even though there was a גזירה on their bread).

Thinking it over

1. Why was it necessary for תוספות to mention in the beginning of this תוספות that this is a ברייתא¹⁰, but not a משנה¹⁰, and is there any connection between this beginning and the rest of this תוספות?

2. ¹¹Seemingly if גרי אריות כותים the ר"י ור"ש according to תוספות writes that according to ר"י ור"ש¹² so they are like נכרים so they are מפקיע from מעשרות according to ר"י ור"ש¹³ so why does he need to be מפריש תרו"מ altogether?!

⁷ The reason why יין סתם is אסור is because the נכרים are prone to be מנסך and we are concerned for this. However the כותים are not suspect of this. However later (after this ברייתא) ר"מ was גזור on יין כותי also, as תוספות mentioned.

⁸ This is another explanation why in our case one can drink יין כותי.

⁹ There was, for instance, a ישראל working for the כותי and he made the wine, so the כותי never touched the wine, therefore it is permitted for a ישראל to drink it.

¹⁰ See footnote # 2.

¹¹ See footnote # 4.

¹² They maintain להפקיע מקדושתה יש קנין לעכו"ם.

¹³ See תפארת יעקב.