

26.4.8

58a (טעמא דאינן בני תורה הא בני תורה שרי) → 59a (אמר רבא כי אתאי לפומבדיתא)

7. טבחה טבחה **מסקנה** יינה אף ערכה שלחנה: משלי ט:ב.

- I Continuation of discussion re: רבא's ruling, permitting wine (בהנאה) when עכ"ם unintentionally put his hand in
- a **דבא**: when in פומבדיתא אביי "attacked" him with שמועות and ברייתות
- i **שמועות**: both שמואל (in נהרדעא) and ר' יוחנן (in טבריה) prohibited even הנאה from wine בשכשוך
- 1 **Counter**: perhaps this was an extra measure as the people in those towns aren't תורה בני
- 2 **Block**: if they aren't בני תורה, certainly the people in מחווא aren't בני תורה
- ii **ברייתא**: weights and measures overseer who drilled into barrel or took some and returned to barrel – אסור
- 1 **Counter**: perhaps it was only אסור בהנאה
- 2 **Block**: then it should have stated יימכר, as in סיפא:
- (a) **A strongarm**: who thinks it to be oil and puts his hand in – יימכר
- (b) **Rather**: רבא was refuted
- II Story: 2 חכמים were drinking; man came by and they asked him to pour them wine; they discovered he was עכ"ם
- a **One**: refused to drink and banned even הנאה
- b **Other**: permitted הנאה – even to drink
- i **דיבול**: both positions are defensible:
- ii **Prohibition**: he reasons that רבנן wouldn't be drinking mead; it is wine and he intends ניסוך
- iii **Permission**: he reasons that they would know him to be עכ"ם, must be שכר
- 1 **Note**: must have been at night (so he wouldn't see), new wine (so he couldn't smell it)
- 2 **And**: that he poured from barrel, not putting his cup in – else it would be מגע שלא בכונה → אסור
- III Question posed (ר' אסי לר' יוחנן): if עכ"ם dilutes wine of ישראל
- a **Note**: he used wording of v. 1 – מסכה – instead of Rabbinic "מזג"
- i **Answer**: prohibited, as a precaution... לך לך אמרי נזירא... a נזיר should circumnavigate the vineyard
- ii **Support**: additional report in יוחנן ר' יוחנן's name confirming position
- IV Story: ר"ל came to בצרה (in transJordan) and saw 2 things:
- a **מעשרות** were eating food without separating מעשרות – and he banned them (assumed it was א"י)
- b **עכ"ם** saw ישראל bowing to water and ישראל drinking from it – and banned it
- c **He came to יוחנן ד' יוחנן** who reversed him on both; בצרה=בצר (ח"ל) and מים של רבים cannot become אסור
- i **Note**: ר' יוחנן had ruled this way in the name of יהוצדק בן שמעון
- ii **Challenge**: → מים של יחיד? It is מחובר לקרקע
- 1 **Answer**: could be case where the rock (of spring) was moved
- (a) **Inference**: then ר' יוחנן must be the מ"ד that rocks dislodged from mountain can be אסור (מו).
- (b) **Rejection**: could be case where he moved it by hand (all would agree it could be אסור)
- V Story: ר' חייא בר אבא came to town of גבלא and saw 3 things – and had no reaction
- a **What he saw**:
- i **Children**: women had babies with men who were טבל
- ii **עכ"ם** were drinking from wine diluted by ישראל י"נ
- iii **תומוסקין** ישראל would eat lupins cooked by non-Jews
- b **יוחנן ד' reactions**:
- i **Children**: are ממזרים
- 1 **Reason**: ר' יוחנן holds that מל ולא טבל is a גמור
- 2 **And**: if ישראל with ביאה עכ"ם ועבד – the child is a ממזר
- ii **Wine**: is יין נסך – as a precaution against י"נ
- iii **Lupins**: are prohibited as בישול נכרים – because the people there are not בני תורה
- 1 **Inference**: it isn't inherently נכרים בישול
- 2 **Challenge**: lupins are not eaten raw
- (a) **Answer**: ר' יוחנן maintains that the sole criterion for בישול נכרים is עלחן מלכים; lupins don't make it to the royal table
- (i) **Therefore**: if not for the fact that the people in גבלא aren't בני תורה – would be permitted