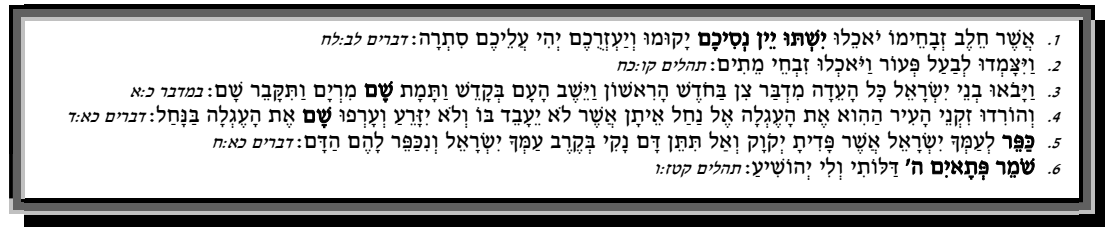


26.2.7

29b → 30b (משנה ג') (זימנין דבעי לזבונא ומפסיד ליה מיניה)

Note: our משנה lists several items that are forbidden; since our גמרא will only address the first two, we will list only them here



- I (1) אסורים בהנאה גוים that are forbidden – even אסורים בהנאה (1)
- a Wine
- i Source: v. 1, compared to זבחי מתים via v. 2; אסור בהנאה is מת by analogy with עגלה ערופה (vv. 3-4), which is similar to כפרה (v. 5) אסור בהנאה קרבן
- b Vinegar that was wine while they owned it
- i Challenge: its going sour wouldn't have removed the איסור
- 1 Answer: teaches that if we give them חומץ to watch, one seal is sufficient
- (a Reason: they won't use חומץ for יין נסך and its not worth the bother of forging the seal to swap it
- 2 Parallel: ruling that יין מבושל bought from them is אסור (same challenge – same answer – if we give them יין מבושל, one seal is sufficient, same reasoning as above)
- (a Addendum: אלוניתית (a mixture of old wine and spices) bought from them is forbidden
- II Rules of יין מבושל and יין מזוג (diluted)
- a יין מבושל is excepted from ban on “uncovered wine”; יין מבושל from concern of יין נסך
- i Question: is יין מבושל also excepted from ban on מגולים?
- ii Answer: excepted, per testimony of ר' יעקב בר אידי, report from ר' חייא
- iii Addendum: story of שמואל (and אבלט) – יין מבושל – יין נסך not bound concern of יין נסך
- 1 Note: clarifications of ruling re: יין מזוג and snakes' reticence to drink
- (a Conclusion: due to unclarity and the inherent danger – יין מזוג is considered wine for both
- (b However: יין מבושל is neither a concern of מגולים nor prohibited as יין נסך
- 2 Story: servant was sleeping next to barrel; consideration that perhaps – at least during daytime – snakes are afraid of a human presence there – but this is rejected and wine is אסור if uncovered
- iv Practice: רב wouldn't drink from non-Jew's house, as they aren't careful about גילוי, but would drink from אלמנה, as he assumes she maintains her (deceased) husband's instructions vis-à-vis care for wine
- 1 שמואל had opposite practice- non-Jews may be lax with regards to גילוי, but are careful about hygiene; but the widow no longer cares for her wine as she used to when her husband was alive
- (a Alternate report: שמואל drank from neither
- b דיביל three types of wine that are excepted from גילוי (snakes won't drink them) – sharp, sweet, bitter
- i Note: some wines are “safe” except in their native environment, where the snakes are used to them
- c לבא wine that has soured is still liable for גילוי and יין נסך for 3 days
- i נהרדעי even after 3 days there is still a concern about גילוי – the snake may drink from it
- III Excepted wines from איסור גילוי
- a Grape juice (first three days)
- b דרגס mixed with water) – but in בבלי they are stringent – only if there is no vinegar; that kills the poison
- c כותח הבבלי (mix of honey, flour, milk) – in בבלי they are stringent; but if there are peck marks, we are all careful
- d Dripping liquid –if it is consistently dripping
- e An open fig (per ר"א's ruling, following v. 6, that we may eat figs and dates at night)
- f Observation: 3 types of poison; a young snake's is heavy and sinks, average- mixes; old snake – floats to top
- i Application: even if some people drank from barrel and lived, don't drink as it may have sunk (story)
- ii Parallel: with watermelon
- IV ברייתא
- a מימ מגולים may not be thrown into רה"ר, tamp down the house-dirt, mix mortar or given to animals, nor to wash hands, feet or face (note: ברייתא rules that it may be given to his own animal – resolution, that is a cat which isn't harmed by it, but may need time to recover, which he can't impose on another's animal as he may wish to sell now)
- i אחרים only if there is an open crack in skin (→ back of foot or hand is permissible)