

26.2.15

38b (וסתמא כ"מ) → (וכבשין שדרכן לתת בתוכן יין)

1. ויאמר אלהם הוא אשר דבר ה' שבתון שבת קדש לה' מחר את אשר תאפו אפו ואת אשר תבשלו בשלו ואת כל העדף הניחו לכם למשמרת עד הבקר: שמות טז:כג.
2. לא יאנה לצדיק כל און ורשעים מלאו רע: משלי יב:כא

- I Discussion about item #5 on list in 'מסנה ו' – brined vegetables which usually have wine or vinegar in the brine
- a אסור בהנאה: only if it's usually their style to use vinegar/wine; but if we know they did, בהנאה
- i Challenge: why is this different than מוריים which רבנו only banned באכילה, even though we know they use יין?
- ii Answer: in that case, the wine is there to remove foul smells; here it is to put taste into the vegetables
- b אסור באכילה: even if we know that they used יין, still only באכילה
- i Challenge: why doesn't ר"מ, who bans בהנאה, extend that to here?
- ii Answer: in that case, the יין is present and eaten with fish; here, it just flavors the vegetables
- II Items #6-8:
- a 6: pickled fish
- b #7: brine that has no fish floating in it
- c #8: חילק – means סולתנית – reason – it includes non-טהור fish
- i Tangent: if a fish doesn't yet have סימני טהרה but eventually will; or had them but they fell off – טהור (examples)
- ii Tangent: ר"י's declaration that fish innards and eggs all come from Spain or Pelusium – where all fish are טהור
- iii And: אב"י's declaration about fish from a particular river that can't maintain דגים טמאים (until רבינא's time, when they diverted two other rivers there) –
- 1 Then: examples of חכמים who did empiric testing to permit particular fish
- III #9: cut up pieces of חילתית (asafoetida) –
- a Reason: the knife that cuts them has טעם in it; although normally we rule מותר נטל"פ מותר, here, due to the sharpness of the grass and the heat of the knife – the טעם is לשבח → אסור
- i Stories: of slaves or wives of חכמים; they were trusted even after master/husband died
- ii Ruling: חבר's wife or slave have some credibility/trust as חבר; if he dies, they are trusted until proven otherwise
- iii בריתא: if a family member of הארץ עם joins חבר's family, must accept code of חברות
- 1 However: if a family member of חבר joins family of ע"ה – no need to commit (ר"מ)
- 2 Dissent (ר' יהודה): in this case, also must accept חברות
- (a) Proof: woman married חבר and would help him put on תפילין, then married מוכס and helped him put on his customs badge
- iv דב/שמואל list of items for which one seal isn't sufficient and those for which it is:
- 1 דב – חלתית, מוריים, פת, גבינה) חמ"ג; (חתיכת דג, בשר, יין, תכלת) – חב"ל"ת דב – sufficient
- 2 שמואל sufficient (בשר: חתיכת דג) insufficient; (פת) מח"ג – sufficient
- (a) Reason: 2nd list – not enough profit to make it worthwhile breaking and forging seal
- (b) בריתא: we don't buy מח"ג ימ"ח מח"ג (חלב, גבינה) ימ"ח מח"ג (חלב, גבינה) in סוריא except from an expert
- (i) But: if a בעה"ב gave some (to guest) or sent some – מותר
1. Reason: he only offers/sends from that which he eats and will only eat טהור
- IV #10: sal-conditum – means, salt eaten by dignitaries of Rome
- a 3 opinions – if it is black that's אסור, or white - or both
- b In all cases – concern that דגים טמאים are mixed in
- i Note: testimony about an elder who would rub pig fat on it
- V End of מסנה: all these are אסורים only to eat – not הנאה
- a For חזקיה: this excludes when we know that vinegar/wine was mixed into brine – אסור בהנאה
- b To יוחנן: this excepts מוריים and the cheese of אונייקי (see מסנה ד') and our מסנה is authored by ר"מ (who ruled that those two are אסור בהנאה)