

26.5.7

69a → 70a (הואיל וזילה עלייהו בתרייהו גרידא) (ומשנה ג)

- I עכ"ם: status of sealed wine under watch of מותר – בחזקת משתמר
- a If: ישראל was helping עכ"ם to move barrels of wine from place to place and the wine was משתמר
- i Definition of חזקת משתמר: borrowed from ruling about טהרות
- 1 If: workers and donkey drivers were carrying טהרות
- (a) If: he walked away without telling them – טהרות
- (b) But if: he told them, as soon as he is out of visual range – טמאות
- (i) Note: difference - per יצחק ר', case where he was מטהר them to handle טהרות
1. In סיפא: an ע"ה isn't careful about not touching his friend (who is טמא)
2. But in דישא: when he could come upon them from an unseen side – מירתתי
- a. But in סיפא: since he tells them he is going away, they rely on it (and aren't careful)
- b But if: the ישראל told him he was going away:
- i ת"ק: if he was gone less than the time it takes to tap, close up and seal – מותר; else - אסור
- ii דשב"ג: the time frame is enough to open the cover, close and seal it (longer)
- II משנה ד': additional circumstances of leaving the עכ"ם alone with the wine
- a If: he left the wine in a carriage or on a boat and took a short cut, even if he went into the city and bathed – מותר
- b But if: he told the עכ"ם he was going away (as per same time frames in א' משנה א' / ת"ק / רשב"ג; משנה א')
- c If: the ישראל left עכ"ם in his shop, even if he was coming and going all day – מותר
- d But if: he told him he was going away - אסור as per שעורים above (ת"ק / רשב"ג)
- III משנה ה': additional circumstance
- a If: he was eating with עכ"ם and he left his flask on the table and one on the side-table and walked out
- i The flask: on the table is אסור, the one on the side-table is מותר
- ii But if: the ישראל invited him to pour and drink – both אסור
- b Barrels: if they are open in the house, prohibited
- i But if: they are sealed, מותר unless the time elapsed is enough to unplug, cork and seal (per רשב"ג)
- IV Justification of all cases
- a If: we only learned ג' משנה א' because the ישראל could come at any time, but when he's left the carriage or ship, he can't show up – immediately אסור (no מירתת)
- b And if: we had ד' משנה א' – because the ישראל could come from some other road or side – but in his store, he could close the door and not be seen – קמ"ל
- V Analysis of dispute
- a ר' יוחנן: only dispute if the barrel is sealed with plaster, but if with mortar, all agree with רשב"ג longer
- i Challenge: רשב"ג countered to חכמים - the (new) seal is obvious both on top and below
- 1 explanation: this is only true about mud – which needs to dry and darken; but plaster – only true מלמטה
- ii resolution: רשב"ג was unsure about רבנן's position – thinking they included טיט, he used the למטה-למעלה argument
- 1 but if: their position only held for סיד – at least below it is recognizable
- 2 דבנן: (only plaster) – he wouldn't think to look below, since it can be masked on top side
- (a) Besides which: sometimes it does fill in below as well and can't be seen to be newly opened
- VI Final ruling (רבא): follows רשב"ג, as last משנה in the series is סתם per his approach
- a Challenge: this is obvious, as per wording in ה' משנה
- i Defense: we might have thought that the entire משנה is רשב"ג himself – קמ"ל
- b Question: since we hold like רשב"ג (longer time) and like ר"א (above .לא.) that we aren't concerned (in case of one seal) that he will forge the seal - why don't we entrust our wine to עכ"ם?
- i Answer: due to air vent in barrel which gives easy access to ניסוך
- VII רבא – 2 inverted cases re: נאמנות
- a If: a זונה גויה has wine in company of ישראלים - permitted; just because their יצר for sex is "active", doesn't mean that they won't be careful about יין
- b But if: a זונה ישראלית is with עכ"ם men, the wine she has is אסור - since she is degraded in their eyes, she'll follow their lead