

26.5.10

72a (משנה ז) → 73a (דבה בר רבא הווא גופיה אישתי בקנישקנין)

- I עכ"ם status of wine after some is sold to משנה ז
- a If: he measured out wine to an עכ"ם's flask through a funnel, then poured to a ישראל
- i If: there is any wine residue clogging the bottom of the funnel – אסור
- b If: he poured from one container to the next
- i Then: the one from which he poured is still מותר
- ii But: the one into which he poured is אסור
- II "backdoor" - analyzing הווא ר' take on נצוק
- a טומאה וטהרה (stream of liquid), נצוק (slope) and קטפרס (moistness) are not considered joined for טהרות ח:ט
- i (explanation: if liquid is poured or sloped from כלי טהור to כלי טמא, stream, slope or moistness doesn't render upper כלי to be טמא; similarly, if an aggregate of מ' טאה exists between upper and lower waters with a stream of water connecting them, this doesn't constitute a valid מקוה)
- b However: אשבורן (divots filled with liquid where the liquid from each divot touches the next) is חיבור
- c ד' הווא the stream, the slope and moistness are considered joined for purposes of י"נ
- i Challenge (ר"ג): source?
- 1 טהרות ח:ט Proposal:
- (a) Rejection: inference from סיפא defeated by inverse inference from רישא (inconclusive)
- 2 Proposal: our משנה (רישא) – prohibition generated by clogged up wine in the funnel, which must be אסור via נצוק
- (a) Rejection: ר' חייא already taught that this case is where the wine below rose up to touch the flask
- (i) Inference: then חיבור isn't חיבור for י"נ (refuting הווא ר')
- (ii) Rejection: in case it touches, we know it is חיבור, in case of נצוק, still an open question
- 3 Proposal: our משנה (סיפא): implication of היתר of כלי from which he poured → stream is אסור
- (a) Challenge: if חיבור::נצוק, then even the wine in the pouring כלי should be אסור
- (i) Defense: could be case where he is throwing it out in spurts; not a real נצוק
- (b) Block: implication of איסור of כלי into which he poured → stream is מותר (inconclusive)
- 4 Proposal: ברייתא – if he pours from the barrel into a בור, anything from below the lip of the חבית is אסור
- (a) Block: ר"ש explained that this is a case where עכ"ם was pouring, אסור as it is כחו
- (i) Challenge: if so, even the wine inside the barrel should be אסור
- (ii) Answer: כחו is דרבנן – they only extended it to wine that left the barrel
- ii Practicum: how several of בבב directed or ruled in such cases
- 1 ד' חסדא directed ישראל wine-sellers that when they pour into כלי עכ"ם that they should either throw in spurts or at one shot, not in a stream (i.e. he took הווא ר' approach into account)
- 2 דבא directed wine-sellers not to have an עכ"ם helping them; they may forget and put the barrel on him when pouring and then wine that comes out will come מכחו → אסור
- 3 דבא man was drawing wine up from the barrel using a straw (-type device); a גוי came along and put his hand on the straw – רבא prohibited all the wine
- (a) Challenge (ר"פ or ר' אדא בר מתנא): is this due to ניצוק? Is חיבור::ניצוק?
- (b) Defense: in this case, all the wine is drawn up through the straw system
- 4 מר זוטרא בריה דר"נ (container with several straws) is permissible (i.e. for ישראל and עכ"ם to drink from it at the same time)
- (a) Caveat: this is if the ישראל stops drinking before the גוי does; but if the גוי stops first, the wine he sucked up comes back in (and the ישראל subsequently drinks it)
- 5 דבה בר רב הווא came to ריש גלותא and allowed them to drink with גויים from the קנישקנין
- (a) Variation: he himself drank from קנישקנין with עכ"ם