

30.7.5

94b (כי חזי ליה ידע ליה) → 96a (ההוא טבחא דא"ל לחבריה)

1. ושמואל מת ויספדו לו כל ישראל ויקברוהו ברמה ובעירו ושאל הסיר האבות ואת הידענים מהארץ: שמרא כח, ג
 2. ויאמר אלהם יעקב אביהם אתי שפלתם יוסף איננו ושמעון איננו ואת בנימין תקחו עלי היו כלנה: בראשית מב, לו

- I Continuation of discussion of דעת, specifically as it relates to מאכלות אסורות
- a Story: טריפה claimed (perhaps to harass a lost buyer) that he had slaughtered 2 and one was טריפה
- i דבני we won't disqualify all מקולין (slaughterhouses) because one intended to hurt someone or acted wrongly
- ii Note: in version 2, only because he intended to act wrongly – but if he just erred – we would invalidate his
- 1 Challenge: רבי holds that we may buy meat from non-Jewish meat brokers at מקולין w/ שוחטים who are ישראל
- 2 Answer: in this case, the חזקה was challenged (by this one's behavior)
- II רב's ruling re: בשר שנתעלם מן העין (meat that wasn't under constant human supervision) – אסור
- a Challenge1: רבי's ruling re: מקולין
- i Answer: since it is in the hands of the broker, not considered מן העין נתעלם
- b Challenge2: ruling of "found meat" (9 out of 10 stores sell שחוטא); if he went in – אסור → קבוע; if found – follow רוב → מותר
- i Answer: it was found in the hands of a non-ישראל (but not "out of sight" for any time)
- c Challenge3: if he finds meat in a mixed city (ישראל ועכו"ם) – follow רוב of slaughterers; if cooked, follow רוב of cooks
- i Cannot be: (cooked meat) found in hands of עכו"ם – then it is surely אסור
- 1 Rather: must be a case where he saw it fall from someone's hand – but doesn't know his identity
- d Challenge4: if meat is found outside of מקדש – limbs are considered גבלה, but חתיכות are permitted
- i Cannot be: found in the hands of הנכרי; if so, why would limbs be prohibited
- ii However: רב himself reads that ruling as חתיכות מותרות משום גבילה – but may not be eaten (לוי – may be eaten)
- e Note: רב's ruling (בשר שנתעלם מן העין) wasn't explicitly stated, but inferred from a story
- i Story: רב saw man cleaning animal head in water, it fell in and 2 came out – he prohibited them
- 1 Challenge (to רב): but the found one might have been היתר
- 2 Answer: animals which are אסור are more common here
- ii Question: if it is מכללא (inferred), why is that any less compelling than an explicit statement?
- 1 Answer: perhaps he only prohibited it because the nearby port was mainly visited/populated by נכרים
- (a) Note: his wording indicates that איסורא שכיחי טפי -
- f Question: how was רב himself ever able to eat meat?
- i Answer1: he would never take his eye off of it from שחיטה on
- ii Answer2: he would use unique knots or a סימן-cut in it
- iii Story: רב went to visit his son-in-law, saw a good omen (re: the ferry) and used it to decide to go
- 1 When: he got there, he espied meat hanging in kitchen, but everyone – including the cook – left their station to greet him, so he kept his eye on the meat and then told them that had he not done so, would've been אסור
- (a) Then: he refused to eat – even though he watched it,
- (i) Reason1: because he had used the omen, he felt bad and refused to benefit
1. Challenge: רב himself ruled that any omen unlike (בר' כד) אברהם or עבד אברהם (ש"א יד) יונתן isn't a נחש
- (ii) Rather: because he wouldn't eat at a סעודת רשות
- III Tangent: use of omens (נחש) – רב and שמואל, ר' יוחנן all had items they would use as omens; ר' יוחנן used פסוקי תינוק to decide whether or not to go to בבל after he was impressed with שמואל (v. 1)
- a דשב"א a baby being born, a new house or marriage are a good סימן (but not נחש) – but only if they work 3 times (v. 2)
- IV Use of identifying marks to allow meat to be eaten
- a Question: if pieces of meat are tied together – that is a sure sign and may be eaten
- b case: birds dropped meat on עיר"כ and it was allowed, since רוב meat slaughtered that day was שחוטא
- c Case: meat was lost between barrels (in wine cellar) – 'tho it had no סימן, the owner recognized it (טביעות עין) → מותר
- d Additional cases: with meat and with dyed תכלת (could've been other dye) – was permitted עין טביעות
- i לבא originally thought that סימנים were better than טביעות עין; since we return אבירה based on סימנים but not טביעות עין
- 1 But: after he heard these rulings, he realized that טביעות עין is stronger
- (a) Proof: else, how could a blind man sleep with his wife, or any man with his wife at night (טביעות עין of voice)
- (b) Proof: if witnesses testify that someone with such-and-such סימן killed, we don't execute;
- (i) But: if they recognize him (טביעות עין) – we do punish
- (c) Addition proof (רב אשי): instructing someone to find another based on סימנים may work, but if he knows him and has טביעות עין, it will certainly work