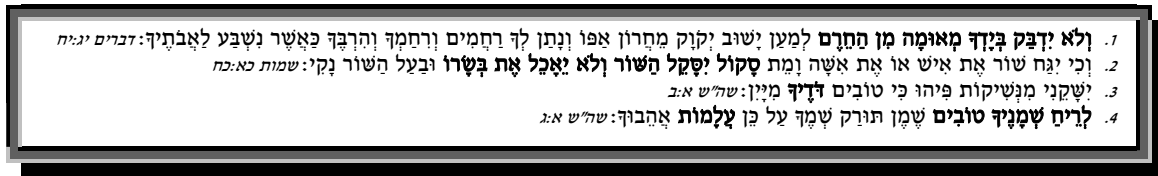


26.2.11

34a (עלמות קרי ביה עולמות) → 35b (החרצנים והזגים)



I Continuation of list of 'ד' משנה (forbidden items– including איסור הנאה) and analysis:

- a (Item #8) grape seeds and peels
- i הנאה even vis-à-vis ר"מ
 - ii חכמים: only if moist; if dry – permitted
 - 1 יבש – after: explicates position of חכמים and sets parameter – for 12 months from harvesting – לח; after
 - 2 בהנאה even אסור (until then) – even באכילה; when מותר (after 12) – even יוחנן (ר' יוחנן) Observation (a) Applications: series of vessels that are permitted after 12 months of non-use
- b (item #9): fish juice (מורייס)
- i הנאה even vis-à-vis ר"מ
 - ii איסור הנאה: no חכמים
 - 1 מורייס prepared by a professional is fully מותר (no concern that he'll mix in wine)
 - (a) Clarification: only the first two "soakings"; afterwards, the fish's oil puts out less, he mixes in wine
 - (i) Story: boat carrying מורייס came to עכו, יעקב, ר' ordered guard to watch that no wine is mixed in
 1. Challenge (דבא): who watched it until now?
 2. Answer: the מורייס on board is worth much less than the wine, they wouldn't mix in
 - a. Block: perhaps the boat stopped at Tyre, where wine is cheap
 - b. Answer: the port to Tyre is hard to enter (obstacles) → they didn't stop there
 - (b) Addition: even small fish prepared by אומן are מותר (no concern that he'll mix in דיגים טמאים)
- c (item #10): cheese from בית אונייקי
- i הנאה even vis-à-vis ר"מ
 - 1 ע"ז (ר"ל): most calves in בית אונייקי are slaughtered for ע"ז
 - (a) Challenge: since ר"מ is concerned about מיעוט, why require רוב here?
 - (b) Answer: there are other animals besides calves; he wouldn't be מיעוט דמיעוט
 - 2 Challenge: ר"ל holds (contra ר"י) that ע"ז לשם שחיטה doesn't render animal אסור (אין מחשבין מעבודה לעבודה)
 - (a) Defense: if his intent is to make the end of השחיטה the point of worship
 - ii איסור הנאה: no חכמים

II ר' יהושע and ר' ישמעאל (ר' יהודה) conversation (reported by משנה ה':

- a (הנאה – not ר' ישמעאל) why are cheeses made by עכ"ם prohibited (only eating – not ר' ישמעאל)
- i A priori answer: because they are placed in stomach of נבילה for curdling
 - 1 Challenge: מעילה (if כהן eats it!) – which is more stringent than נבילה – קיבת עולה – doesn't generate מעילה
 - ii 2nd answer: because they are placed in stomachs of calves slaughtered for ע"ז
 - 1 Challenge: if so, they should be אסור בהנאה
 - iii ר' יהושע changed the subject: discussed vocalization of v. 3

III Backdoor: פרש עגלי ע"ז ruled that dung of שור הנסקל is not אסור בהנאה (if someone is מקדש with it – valid), unlike ע"ז

- a Argument from reason: the fatter the "offering", the better; but for שור הנסקל, it being larger does nothing for him
- b Argument from text: v. 1 bans any benefit, v. 2 – only benefit from meat
- i משנה: both rules implied in our דבא
 - 1 From: ר' ישמעאל's challenge → איסורי הנאה does not include waste products
 - 2 From: ר' ישמעאל's rejoinder to the ע"ז defense (should be אסור בהנאה) → ע"ז includes waste products
 - c Question: why didn't ר' יהושע answer that it's not אסור בהנאה because the איסור isn't tangibly there – per מורייס
 - i Answer: since it still is capable of curdling the milk, considered as if it is present

IV Conclusion of 'משנה ה' – discussion re: gender of דודיק (v. 3)

- a *Background:* ר' יהושע quoted first half of v. 3 to imply that ישמעאל ר' ought to hold his challenges
 - i *Reason:* we do not (publicly) challenge a גזרה during the first 12 months of its promulgation
 - 1 *Reason:* there are people who belittle גזירות and we don't want to provide them with fuel
 - 2 *Real reason for גזירה (ריב"ל):* they leave the milk מגולה
 - (a) *Challenge:* if so, old and sour milk should be permitted, as that indicates no poison
 - (i) *Answer1 (ר"פ):* there's always some liquid milk in the whey
 - (ii) *Answer2 (שמואל):* because they leave it to curdle in the *skin* of the stomach of a נבילה
 - 1. *Implication:* if they left it in the stomach itself, שמואל would permit
 - 2. *Challenge:* שמואל, in modifying ח:ה משנה חולין, reads that קיבת נבילה is prohibited
 - a. *Answer:* that משנה was taught before ישמעאל ר' challenged יהושע ר' (our משנה)
 - i. *And:* once a משנה is canonized, it isn't removed
 - b. *But:* שמואל's ruling is based on יהושע ר' new position in our משנה
 - 3 *Alternate reason (ר' מלכיא):* they smear the stomach lining with pig fat
 - 4 *Alternate reason (ר' חסדא):* they put it in vinegar
 - 5 *Alternate reason (רנב"י):* they put it in juice from an ערלה plant
 - (a) *Per:* ר"א, who maintains that the איסור of ערלה extends to that
 - (b) *Note:* could even accord with יהושע ר'; he agrees if it is הפרי שרף
 - (c) *Note:* according to ר' חסדא and רנב"י, should be אסור בהנאה – קשיא
- b *Aggadic exegesis of vs 3-4:* 3 meanings of עלמות: (in re: a ת"ח whose words are publicized)
 - i *עלומות:* hidden meanings come to light
 - ii *על מות:* even the מלאך המוות loves the ת"ח
 - iii *עלומות:* he inherits both worlds