

3 Iyar 5777  
April 29, 2017



Bava Basra Daf 97

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Sediments**

The *Gemora* cites a *braisa*: The blessing, “... by whose word everything was made” (*she-hakol ni’h’yeh bi’d’varo*) is to be said over beer of dates, beer of barley and sediments of wine (*they place water on sediments, soak it for some time, strain them and drink it*). Others say that if these sediments have the flavor of wine, the blessing, “... the creator of the fruit of the wine” (*bo’rei peri hagafen*) is to be said. Rabbah and Rav Yosef both say: The law is not in accordance with the opinion of the others.

Rava said: All agree in the case where three cups of water had been poured onto the sediments and four came out, the liquid is regarded as wine. The *Gemora* notes: Rava follows his own view that any wine which is too weak to stand in a mixture of three parts of water to one part of wine, is not regarded as wine. [*The wine in those days was too strong to drink without being diluted.*] In the case where three cups of water had been poured onto the sediments and three came out, they also agree that it is not regarded as wine (*even if it tastes like wine*). They only argue in the case where three cups were poured onto the sediments and three and a half came out. The Rabbis hold that for the three (*cups of water*) that were put in, three were taken out, and only one half a cup (*from the sediments*) remain; and one half cup of wine is only a sixth of the water, and is therefore not regarded as wine. But the others hold that for the three (*cups of water*) put in, only two and a half were taken out, and a complete cup (*from the sediments*) remains; and one cup of wine in two and a half cups of water is regarded as good wine.

The *Gemora* asks: But how can it be said that they argue regarding a case where more liquid than was poured in was taken out? We learned in a *Mishna*: If someone mixes water with wine sediments and (*after awhile*) he finds an equal amount of water to the amount that he put in, the *Tanna Kamma* says that it is not subject to the laws of *ma’aser* (*since it is regarded as water, not wine*). Rabbi Yehudah says: It is subject to the laws of *ma’aser*. This implies that they only argue in a case where the same amount was taken out. However, if more was taken out, everyone would agree that *ma’aser* must be taken (*since it is regarded as wine*)!?

The *Gemora* answers: No. They also argue in a case where there is more water. The reason that their argument is stated in a case where the same amount is taken out is in order to show that Rabbi Yehudah holds that even then it is subject to *ma’aser* (*although there is no strong taste of wine there*).

Rav Nachman bar Yitzchak inquired of Rabbi Chiya bar Avin: What blessing is said upon sediments that taste like wine?

He replied: Do you think this is wine? It is merely water with a grape taste.

The *braisa* states: If a person had sediments from *terumah* wine, the first and second batches of water that he mixes with these sediments are forbidden to be drunk by regular Jews. The third batch is permitted to be drunk by anyone. Rabbi Meir says: Even the third batch cannot be drunk by regular Jews - if it tastes like wine. If the sediments were

from *hekdes* wine, even the third batch cannot be drunk by anyone, but the fourth batch can. Rabbi Meir says: Even the fourth cannot be drunk by anyone - if it tastes like wine.

The *Gemora* asks: Doesn't the *braisa* state that one can never drink from water mixed with *hekdes* sediments, but he can drink from water mixed with *ma'aser* sediments? This is a contradiction to both previous statements regarding *hekdes* and *ma'aser*!?

The *Gemora* answers: There is no contradiction regarding *hekdes*. The previous *braisa* was discussing sediments dedicated to *hekdes* for their value, while this *braisa* is referring to sediments of wine dedicated to be brought as libations on the altar. [*The latter is a more severe type of hekdes.*] There is also no contradiction regarding *ma'aser*. The previous *braisa* was discussing *ma'aser* that clearly needed to be taken, and this *braisa* is discussing *ma'aser* that was taken to remove any doubts.

Rabbi Yochanan says in the name of Rabbi Shimon ben Yehotzadak: Just as the above (*regarding terumah, ma'aser and hekdes*) was stated regarding when this water mixed with sediments is prohibited, it is also stated regarding its "*hechsher*" (*liquids coming in contact with food, which makes food susceptible to tumah*).

The *Gemora* asks: What does this mean? Whether it is water or wine, it should do this equally!?

The *Gemora* answers: The case is where he mixed rainwater with the sediments.

The *Gemora* asks: Being that the person took the rainwater from the pitcher where they gathered and poured it into the sediments, he obviously wants it (*and enables it to create impurity for whatever it is in the pitcher with the sediments and anything else*)!

The *Gemora* answers: The case is where the rainwater fell directly into the pitcher with the sediments.

The *Gemora* asks: Even so, he obviously wants the water to go into the pitcher! Accordingly, what difference is there whether or not it turns into wine?

Rav Pappa answers: The case is where the cow is drinking whatever falls into the pitcher. [*He doesn't care what happens to it.*] (96b – 97a)

### **Criteria for Kiddush Wine**

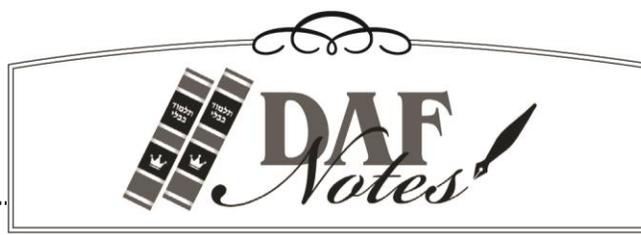
Rav Zutra bar Tuvya says in the name of Rav: One only says *kiddush* on wine that is fit to be poured on the altar (*as libations*).

The *Gemora* asks: What does this exclude? If you want to suggest that it excludes grape juice (*wine that has not yet fermented but would if it was set aside*), it cannot be. Didn't Rabbi Chiya teach: A person should not offer grape juice as libations, but if he did, it is valid? If he taught that it is valid *b'dieved* (*after the fact*) for libations, it should certainly be able to be used for *kiddush*! This is as Rava states: A person may take a cluster of grapes, squeeze the juice into a cup, and use it for *kiddush*.

The *Gemora* answers: Rather, it must mean the wine that is gathered from the mouth and bottom of the barrel (*from the sediments*).

The *Gemora* asks: Didn't Rabbi Chiya teach that such wine should not be brought for libations, but if it was brought, it is valid? [*If he taught that it is valid b'dieved for libations, it should certainly be able to be used for kiddush!*]

The *Gemora* answers: Rather, it must be referring to black wine, white wine, sweet and weak wine, wine from the basement that is possibly akin to grape juice, and raisin wine.



The *Gemora* asks: Doesn't a *braisa* state regarding these wines that they should not be brought for libations, but if they were, it is valid?

The *Gemora* answers: Rather, it must be referring to grape juice that cannot ferment, diluted wine, wine left uncovered, water mixed with sediments, and foul smelling wine. This is as the *braisa* states: All of these types of wine cannot be brought for libations, and if they were, they are invalid.

The *Gemora* asks: Which one of these was Rav excluding? If he was excluding grape juice that cannot ferment, isn't this an argument between Rabbi Yochanan and Rabbi Yehoshua ben Levi? If he is excluding diluted wine, this seems difficult, as he has made it better! Rabbi Yosi the son of Rabbi Chanina says: The *Chachamim* agree to Rabbi Eliezer regarding a cup of wine used for a blessing that he should not bless on it until he has added water to it! If he is excluding wine left uncovered, it obviously cannot be drunk as it is dangerous (*in their days snakes might have went into it and inserted venom in the cup*)! [It is even prohibited when not making *kiddush* to drink from this cup!] If he is excluding water mixed with sediments, what is the case? If he put in three parts of water and four were taken out, it is clear this is wine! If he put in three and three and a half were taken out, this is the argument between the Rabbis and the others!?

The *Gemora* answers: It must be that Rav is excluding wine with a foul smell.

Alternatively, the *Gemora* answers: He is really excluding uncovered wine. He means that even if it was filtered afterwards, as Rabbi Nechemyah states that if it was filtered, it may be drunk; it should nevertheless not be used for *kiddush*. This is because the verse states, "*Bring it to your officer, will he show you favor or will he turn his countenance towards you?*" [In other words, we do not

*bring things to Hashem (i.e. do mitzvos) with things that are repulsive.*]

Rav Kahana, the father-in-law of Rav Mesharshiya, asked Rava: What is the law regarding white wine? [Most *Rishonim* understand that his question was regarding libations.]

Rava answered: The verse states, "*Do not be afraid of wine for it makes one red (also means makes one drunk).*" [This teaches us that red wine is called wine.]

The *Mishna* (93b) had stated: If one sells barrels in Sharon etc.

The *braisa* states: These "broken" barrels are nice and tarred. [When the *Mishna* says he has to accept ten of these barrels per hundred, it did not mean broken barrels, but rather barrels that had a crack and that were sealed with pitch or tar.] (97a - 97b)

## INSIGHTS TO THE DAF

### ***Borei peri hagafen* on diluted wine**

Pure wine, undiluted with water, is highly concentrated and so barely potable that the Tanaim had different opinions as to if it qualifies for the blessing *borei peri hagafen* (Berachos 50b). Many *poskim* discuss the topic of how much water can be added to pure wine without its losing its definition as such and their reasoning proceeded by the following steps:

**Wine made from dregs:** Wine can be made by soaking dregs from old wine in water: the concentrated wine in the dregs dissolves in the water and the mixture becomes regular wine. Our *sugya* explains, though, that the mixture is considered wine, to be blessed with *borei peri hagafen*, only if the quantity of wine extracted from the dregs forms at least 25% of the solution. Otherwise, its blessing is *shehakol*. *Shulchan 'Aruch* rules accordingly but adds that, even in that



era, grapes had become less concentrated; care should be taken, then, that the original wine should comprise **more** than 25% of the mixture (*O.C.* 204:5).

**Is fresh-grape wine different from wine from dregs?** Our *sugya* relates to wine from dregs but what about wine from fresh grapes? Is it considered stronger and therefore can be diluted with over 75% water without disqualifying as wine? (The Gemara in Shabos 76b discusses mixing wine and **highly recommends** a solution of 75% water and 25% wine. See the different opinions of Abayei and Rava, *ibid* 77a, where the halachah was decided according to Rava and Tosfos, *ibid* s.v. *D'amri*. We don't know, yet, however, what maximal amount of water may be added: the Gemara recommends the said ratio but perhaps a more dilute mixture still qualifies as wine. Regarding wine made or handled by gentiles – *yein nesech* – *Shulchan 'Aruch* rules that a solution of six parts water to one part wine renders the *yein nesech* insignificant and may be drunk, sold, etc. [*Y.D.* 134:5]. It is unclear, though, if wine is good for kiddush up to that degree of dilution or perhaps must comprise a greater percentage of the mixture. See the *Taz* and *Bach*, *ibid*, and *Remo*, *Y.D.* 123:8, who cites opinions that *yein nesech* remains forbidden in any solution as long as its taste is discernable).

**Poskim disagree on the meaning of the *Beis Yosef*:** Halachic problems of this sort were usually solved by authorities of earlier generations. The question of diluted wine, however, was further complicated when *poskim* expressed different interpretations of the halachah as worded by the *Beis Yosef*. *Mishnah Berurah* follows the opinion of the Vilna Gaon, that the *Beis Yosef* holds that only in wine from **dregs** the water must not exceed 75% (and today, even less) whereas regarding wine from fresh grapes, the *Beis Yosef* agrees with *Remo* (*ibid*) that the fresh wine can be as little as slightly over a sixth of the solution. However, many other *poskim* (see *'Aroch HaShulchan* and *Kaf HaChayim*) hold that the *Beis Yosef* meant **all** sorts of wine, insisting that the amount of wine, from dregs or fresh grapes, must now exceed 25%

of any mixture, while the *Rema* approves a solution of only slightly over one part wine to 5 parts water (see *ibid* re their opinions on diluting wine with water in our era).

As for the halachah, *Mishnah Berurah* rules that those who can afford to do so had best buy wine qualifying for *borei peri hagafen* according to all opinions but anyone may rely on the authorities approving a 1:5 mixture. This, then, is the source of the information printed on wine bottles: "Qualifies for *borei peri hagafen* according to the *Beis Yosef*". Actually, more correct would be to print "according to the **strict** interpretation of the *Beis Yosef*" as, in the opinion of the *Mishnah Berurah*, the *Beis Yosef* agrees with *Remo*.

In conclusion, we emphasize that the *beracha* for a wine-water mixture which does not taste of wine is *shehakol* while all the above views are relevant only if the taste of wine is intact. If you want to mix wine with water or grape juice, you should first know how much water was added to the wine before being bottled and then be sure the taste of wine remains once you dilute it further. In short, only experts can know.

#### DAILY MASHAL

**The Chafetz Chayim visits Stavisk:** The biography *HeChafetz Chayim: Chayav Ufo'olo* (I, p. 207) relates that the Chafetz Chaim zt"l once heard that the renowned Rabbi Chayim Mishkovski zt"l favored a strict interpretation of the above halachah. Harav Mishkovski was the Rabbi of Stavisk, one of the halachic experts of that generation and the author of *Responsa Penei Ari Chai* (see *ibid*, 38). The Chafetz Chayim made a special visit to Stavisk to persuade the gaon to take a more lenient approach but the latter insisted on following the best method to conform to all opinions. "But", the Chafetz Chayim finally retorted, "not everyone is the Rabbi of Stavisk with a weekly salary of 25 rubles that he can afford the best wine, free of all halachic doubts and questions. The poor also want to make kiddush!"