

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

R' Chisda completes the proof that his interpretation of R' Akiva's inquiry in the Mishnah was correct.

Rabbah responds to R' Chisda's proof.

Rabbah's response is unsuccessfully challenged.

Another unsuccessful challenge to Rabbah's interpretation is recorded.

Tangentially the Gemara presents the opinions of other Amoraim about this last point.

R' Chisda's position is unsuccessfully challenged.

Another unsuccessful challenge to R' Chisda's explanation is presented.

It is noted that there is another version of the discussion between R' Akiva and R' Eliezer recorded in a Baraisa.

הדרן עלך אמרו לו

2) **MISHNAH:** The Mishnah first discusses the circumstances necessary to obligate one to offer an Asham Talui and then addresses the question of how many korbanos he must bring when he performed multiple doubtful transgressions.

3) Uncertain consumption of cheilev

R' Assi and Chiya bar Rav dispute the circumstances in which one is obligated to offer an Asham Talui when he is uncertain whether he ate cheilev.

The precise point of dispute is identified.

R' Assi's opinion that the Mishnah refers to one who had a single piece of meat and was uncertain whether or not it was cheilev is unsuccessfully challenged.

R' Yehudah in the name of Rav agrees with Chiya bar Rav that the obligation is when he had two pieces in front of him and he does not know whether he ate the piece that was cheilev.

Rabbah explains the rationale behind Rav's ruling.

Three unsuccessful challenges to this explanation are recorded.

R' Chiya also quotes Rav's position about this matter.

R' Zeira suggests a new explanation for Rav's position.

The Gemara identifies the difference between Rabbah and R' Zeira's explanation of Rav's ruling.

R' Zeira's explanation of Rav's ruling is unsuccessfully challenged. ■

Distinctive INSIGHT

The obligation to bring an asham talui

ספק אכל חלב ספק לא אכל

In the Torah, we find (Vayikra 5:17-18) that if someone violates a negative commandment, but there is an element of his being unaware, he must bring a korban asham. The Gemara explains that this refers to an asham talui, and it is brought only when a person commits a sin which would deserve kareis if done intentionally, and would require a chattas if done unintentionally. Here, when the person is not sure whether or not he committed this act, he brings an asham talui.

On 17b, Amoraim argue regarding the details of this halacha. R' Assi holds that this offering is brought in any case of doubt, even if, for example, there was only one piece of fat in front of a person, and he did not know whether it was permitted fat or forbidden cheilev. Rav disagrees and says that an asham talui is only brought if the case was where there were two pieces of fat in front of the person, one of them permitted and one forbidden, and after eating one of them it was uncertain and not possible to determine which one he ate.

There are three explanations given in the Gemara to explain the view of Rav. Rava says that it is a scriptural decree that asham talui be brought only in a case of two pieces. R' Zeira says that only where there were two pieces is an asham talui appropriate, because this is a case where the doubt can possibly be settled and resolved, because it is theoretically possible for an expert to examine the remaining piece and determine if it is the forbidden or permitted fat. R' Nachman explains that an asham talui is brought only when there were two pieces involved in the original mishap, because in this scenario we know that there was a forbidden object in front

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REVIEW and Remember

1. Is one liable for taking from a private domain to a public domain two different dried half figs?

2. How does R' Shimon ben Elazar explain the dispute between R' Akiva and R' Eliezer?

3. What is the point of dispute between R' Assi and Chiya bar Rav?

4. What is the practical difference between Rabbah's explanation of Rav and R' Zeira's explanation of Rav?

HALACHAH Highlight

Nullification in the majority

אמר ר' יהודה אמר רב היה לפניו שתי חתיכות וכו'

R' Yehudah in the name of Rav said: If one had two pieces in front of him etc.

R' Yehudah in the name of Rav discusses the case where a person has two pieces of meat in front of him, one prohibited cheilev and one permitted shuman. Later authorities note a difficulty with this discussion. According to the opinion that mandates an Asham Talui when one eats one of two pieces the implication is that one would be obligated to offer an Asham Talui even if one of the pieces was large and the other piece was small and he ate the smaller piece. The difficulty is that if the person ate the smaller piece he should not be liable to offer an Asham Talui. If the larger piece was cheilev then the smaller piece was shuman and was permitted. If the smaller piece was cheilev the principle of rov indicates that the smaller piece was nullified and thus he did not violate any prohibition and should not be obligated to offer an Asham Talui.

Pri Megadim¹ answers that if it was known that the larger piece was shuman the smaller piece of cheilev would be nullified. However, it may also be that the larger piece was cheilev and if so the smaller piece of shuman would be nullified by the larger piece and would be considered prohibited. As such since it is not known whether the prohibited nullified the permitted or whether the permitted piece nullified the prohibited piece

(Insight...continued from page 1)

of him (איתחזק איסורא) when the act of eating occurred. If there was only one object to begin with, even though it is possible that it was a piece of cheilev, the degree of uncertainty is lesser in a certain sense, and an asham talui is not warranted.

The Gemara explains later (25a, 26b) that the purpose of an asham talui in a situation where it is doubtful whether the sin occurred or not is in order for the person who did the possible sin to be shielded and protected from any possible suffering in the meantime, until he finds out that he did the sin and is able to bring a chattas and fully atone for his act.

The Chinuch (Mitzvah 123) and others explain that the Torah commands that a person bring a korban for the very fact that he acted without proper care and attention so that his actions resulted in a possible violation of a mitzvah.

Sefer Kovetz Ha'aros notes that according to these Rishonim the asham talui is brought due to the certainty of a person's allowing himself to possibly commit this sin. ■

the doubt remains and thus there is an obligation to offer the Asham Talui. Aruch HaShulchan² asserts that the principle of nullification applies only when there is a definitive majority that is easily identified. In the event that it is not clear whether the permitted item is the majority or the prohibited item is the majority the principle of nullification does not apply. Accordingly, since it is not known whether the cheilev or the shuman is the larger piece the principle of nullification cannot be invoked. ■

1. פרי מגדים פתיחה לשער התערובות ח"א פ"א ד"ה והנה מצאתי.
2. ערוה"ש יו"ד סי' ק"ה סעי' ס'. ■

STORIES Off the Daf

Eating Slowly

ספק יש בו כשיעור

On today's daf we find that one who is unsure whether he ate an olive's bulk of chelev brings an asham talui.

Someone brought a dish of ice cream to the Skverer Rebbe, zt"l, shortly after he came to America. The rebbe—who had never seen ice cream before—gazed at it in wonderment. The man who had brought it said, "Eat it quick, rebbe, before it melts."

"If so, I will never eat this food," said the rebbe.

"But why?" asked the chassid.

"My entire life, I work to eat slowly; a food which one must rush to eat is defi-

nately not for me."¹

But eating slowly has its problems too. One man would always eat very slowly, being careful to take small bites at intervals. One meal he managed to eat with exceptional slowness. After he finished, he wondered whether he had even eaten a k'zayis in a k'dei achilas pras. Of course, if one is certain that he has not eaten this much, he may not make an after blessing on the food. But since this man was unsure, he wondered whether he could make a bracha acharona or not. He was unable to eat even a k'zayis by the end of the meal, and, while he committed to be more careful in the future, he was unsure what to do this one time.

When this question reached the Chofetz Chaim, zt"l, he ruled that he should not make a bracha acharona in this situa-

tion. "One who ate less than a k'zayis of bread during the meal, or even if he had a k'zayis in more than a k'dei achilas pras, may not make a bracha acharona. If one feels satiated from this minimal amount of bread, however, it is not clear whether one can say bircas hamazon. Even if he eats an k'zayis within this time, he should not rely on this minimal amount to discharge his obligation to make blessings on other foods eaten during the meal. Better not to eat bread and to make blessings on the other foods. The only exception to this rule is Shabbos. Since it is a mitzvah to eat a k'zayis of bread on Shabbos, all other foods in the meal are secondary to the bread and one need not make a blessing on them."² ■

1. כן שמעתי
2. מ"ב, סי' קע"ז, וסי' ר"י, סק"א ושעה"צ