



OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah presents a list of items that are prohibited for benefit and that render a mixture forbidden in any amount.

2) Clarifying the Mishnah

The Gemara asks what criteria were used to be included in the Mishnah's list since it seems that items that could have been part of the list were left out.

R' Chiya bar Abba or R' Yitzchok Nafcha suggests a list of criteria.

This suggestion is unsuccessfully challenged.

The cases that are excluded by the Mishnah's last phrase are identified.

3) **MISHNAH:** The Mishnah presents a dispute between Tanna Kamma and R' Shimon ben Gamliel regarding the consequence of nesech wine falling into a cistern of permitted wine.

4) A mixture containing nesech wine

Rav rules in accordance with R' Shimon ben Gamliel's opinion with respect to barrels that become mixed up but not when it comes to wine that becomes intermingled.

Shmuel and others maintain that the leniency applies even when wine becomes intermingled.

R' Nachman rules like Rav in a case of nesech wine and like Shmuel in a case of ordinary wine (סתם יינם).

5) **MISHNAH:** The Mishnah discusses the process of cleaning (i.e. koshering) a winepress that had forbidden wine applied in the coating process.

6) Clarifying the Mishnah

Rava asserts that the Mishnah's ruling is limited to where the winepress was coated with pitch to the exclusion of stomping grapes.

The necessity for Rava's clarification is explained.

A second version of Rava's clarification and subsequent explanation is presented.

A ruling of earlier Amoraim is cited as support for Rava's ruling.

7) Kashering winemaking implements

A Baraisa is cited that presents a disagreement between Tanna Kamma and Rabbi regarding the koshering of winemaking implements.

It is noted that the Baraisa seems to contradict the Mishnah.

The contradiction is resolved.

Another contradiction between the Baraisa and Mishnah is noted and resolved by Rava.

Two related rulings of Rava are recorded.

8) Drying

Rav maintains that one dries winemaking implements with water whereas Rabbah asserts that the process is performed with ash.

Both opinions are challenged. ■

Distinctive INSIGHT

When does a prohibited item not become nullified?

האי תנא תרתאי אית ליה דבר שבמנין ואיסורי הנאה

The Mishnah gave an extensive list of items which are prohibited, and if any of them fall into a mixture together with permitted foods, the entire blend becomes prohibited, even if the prohibited food is present in a miniscule amount.

In the Gemara, R' Chiya bar Abba notes that the Mishnah lists items which share two forbidden qualities—every item listed is one which is significant, and it is one which is prohibited from benefit. Here, being significant is defined as something which is generally not sold in bulk, but rather each item is counted separately due to its unique value. Rashi explains that this rule explains why the Mishnah does not list pieces of chometz on Pesach. Although chometz on Pesach is prohibited from benefit, any piece of chometz is not so important that it would only be sold individually. In fact, any one piece of bread might be discarded by being thrown into the river or tossed to one's dog. On the other hand, a piece of neveilah is relatively valuable and is never sold in bulk. Yet, it is not prohibited from benefit, so it is not listed in the Mishnah. Accordingly, a piece of chometz, as well as a piece of neveilah, does not prohibit a mixture in which it falls if the amount which falls in is less than the amount which contributes a taste. Rashi adds that in these cases, although the mixture is permitted, one piece of "bread" (which appears as matzah) must be removed and thrown into the river, or one piece of meat must be taken out of the pile and given to one's dog.

Rosh and Ra"n are surprised by the comment of Rashi when he says that one of the pieces of the mixture must be removed and discarded. Once the prohibited item is diluted within the mixture, it is nullified and has lost its identity. The only time we require that a nullified item be removed is in regard to gifts for the kohen which become mixed into one's own

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REVIEW and Remember

1. What is a דבר שבמנין?

2. What is the point of dispute between Rav and Shmuel?

3. Why was it necessary for Rava to emphasize that the Mishnah's ruling is limited to a case of a winepress coated with pitch?

4. Why did Chazal decree against depositing utensils used for storage by an idolater?

HALACHAH Highlight

Women davening Musaf

אי דבר שבמנין קחשיב

If he lists any item that is counted

Maharam Shik¹ questions the practice of women who daven Tefilas Mussaf on Shabbos or Yom Tov. The different tefillos that we say are a replacement for the korbanos that can no longer be offered. When the Beis Hamikdash stood women were not obligated to give the half-shekel to the Beis Hamikdash so what is the reason that they daven? Why should they perform the replacement mitzvah if they are not obligated in the primary mitzvah? The reason they daven shacharis, mincha and perhaps maariv is that those tefilos contain prayers for mercy, which women also need. Tefilas Musaf, however, is unique in the sense that it is not a prayer for mercy; its purpose is to read the pesukim related to the Korban Musaf of the day as a replacement for the korban. Since women were not obligated to donate funds towards the purchase of the korban why should they recite the Mussaf prayer? Even to recite the prayer voluntarily is not permitted, as stated in Shulchan Aruch².

Teshuvos L'horos Nosson³ suggests that the practice of women to recite the Musaf prayer is based on the Mishnah in Shekalim (1:5) that states that if a woman wants to voluntarily donate a half-shekel it is accepted and thus she would have a share in the korbanos that are brought. A difficulty that could be raised is that the half-shekel that a woman donated should

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produce, and this is only done in consideration of stealing from the tribe of the kohanim. And, in fact, the Mishnah (Orlah 2:1) explicitly teaches that orlah and kilayim are diluted in a two hundred to one ratio.

Chasam Sofer explains that Rashi holds that if something is prohibited from benefit but it is not a significant item, such as a crust of chometz on Pesach, when we say it becomes nullified in a mixture it means that it does not affect the entire mixture, but it does remain prohibited to the extent that one may not benefit from it. Although we do not know which piece is the prohibited one, one piece must be taken out and discarded, in order not to benefit from the fact that the item fell into this mixture. ■

become nullified in the numerous other half-shekels that are donated and consequently she would not have a share in the korbanos. Even though coins are significant and thus should not become nullified in a majority, Avnei Miluim⁴ asserts that it is specifically mundane coins that are not nullified amongst other sacred coins but shekalim are nullified amongst other sacred coins. The reason this is not a concern, explains L'horos Nosson, is that when a person donates a half-shekel he becomes a partner in all the korbanos that are offered and this principle applies to women as well. Accordingly, since women could donate a half-shekel and become a partner in all the korbanos that are brought they could also recite the Musaf prayer which is a replacement for that korban. ■

1. שו"ת מהר"ם שיק או"ח סי' צ'.

2. שו"ע או"ח סי' ק"ז סעי' א'.

3. שו"ת להורות נתן ח"ג סי' י"ד.

4. אבני מילואים סי' כ"ח ס"ק ל"ג. ■

STORIES Off the Daf

Driving Off a Lion

"חמץ בפסח..."

On today's daf we find that חמץ is אסור בהנאה.

In many places in Europe not too long ago, it was very difficult for Jews to live peacefully with their non-Jewish neighbors. Not the least of their worries was dealing with platoons of soldiers which would stay in various towns as they travelled through the countryside. Very often these soldiers would lodge at Jewish homes, taking free room and board. At times the local authorities would even establish factories in some unfortunate Jew's house. But even worse was when they would go from house to

house, demanding aid for the war effort. Sometimes this thievery would be completely non-violent. Nevertheless, the expropriations were very traumatic and exceedingly expensive.

The Jews soon figured out a method of how to deal with this trouble. All they had to do was bribe the officer in charge of the soldiers and he would ensure that there was no looting. But it was impossible to know what the general would demand in exchange for protection.

Once, a large platoon of soldiers entered a certain city on Pesach. They immediately began looting the place, demanding anything valuable. When the Jewish notables asked the officer in charge what it would take to rein them in, he demanded many cases of whisky.

Since it was Pesach, and whisky is cha-

metz, they were unsure how to proceed. Could they use איסורי הנאה to save themselves from being looted? After all, there was no doubt that no one was in danger. But they would surely sustain a huge loss if the soldiers were not stopped.

When the author of Shu't Har Hakarmel, zt"l, was asked what they should do, he ruled that they were allowed to give the general the whisky. "Although the casks are איסורי הנאה, the community is getting no pleasure out of the whisky, which is merely מבריח ארי, neutralizing a potential predator. It is clear from Tosafos in Avodah Zarah 13 that when there is no other option it is permitted to use איסורי הנאה in this fashion to avoid a monetary loss."¹ ■

1. שו"ת הר כרמל, סי' ו' ■

