

OVERVIEW of the Daf

1) Nullification (cont.)

The Gemara continues to clarify how Reish Lakish would explain the Baraisa in a way that does not refute his position regarding nullification.

Rabbah offers an alternative explanation to the Baraisa that does not constitute a refutation of Reish Lakish.

This explanation is successfully challenged.

R' Ashi also offers an alternative explanation that is consistent with Reish Lakish but it is immediately rejected.

2) Terumah nowadays

The earlier assumption, namely that R' Yochanan maintains that terumah nowadays is a Biblical obligation, is challenged from R' Yochanan's comment to a Baraisa.

R' Yochanan defends his position by distinguishing between the opinion of Rabanan, the author of the cited Baraisa, and R' Yosi, with whom R' Yochanan aligns.

3) Nullification

The earlier statement that according to R' Yochanan a majority is not needed for Rabbinic prohibitions is challenged.

Two resolutions are presented.

4) אנדרוגינוס

Reish Lakish, who maintains that an אנדרוגינוס is only a possible male, is unsuccessfully challenged from our Mishnah.

R' Yochanan's position that an אנדרוגינוס is a definite male is unsuccessfully challenged from the end of the Mishnah. ■

REVIEW and Remember

1. Explain מין במינו לא בטיל.
2. What leads the Gemara to assert that terumah nowadays is Rabbinic even according to R' Yochanan?
3. What is the Seder Olam?
4. Do all opinions agree that an אנדרוגינוס is considered to be male?

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 לעיני ר' ישראל משה בן ר' חנינא ע"ה

Distinctive INSIGHT

The guidelines of ביטול

אמר רב' שישא בריה דרב אידי רישא בטומאת משקין דרבנן סיפא דאורייתא

The Gemara brings the Baraisa from which Rabbi Yochanan determined the guidelines of when the process of ביטול works. There are items whose value is such that they are sold exclusively by being counted precisely (את שדרכו לימנות) and they are never sold by estimated count. There are other items which although they are usually counted when they are being sold, this is not exclusively the case, for they are occasionally sold by an estimated count (כל שדרכו לימנות). Rabbi Yochanan learns that only items from the second category can be nullified if and when they become mixed with permitted items.

The Baraisa features the case of a piece of meat from a chattas offering which was impure becoming mixed with a hundred pieces of chattas meat which was tahor. Tanna Kamma allows the entire mixture to be eaten, while Rabbi Yehuda prohibits it. However, if a piece of chattas meat which was tahor became mixed with a hundred pieces of regular, non-chattas meat, even Tanna Kamma agree that the mixture may not be eaten as plain meat, but it must be consumed as chattas meat. We see from the first case that we allow a piece of meat, which is in the category of כל שדרכו לימנות to become nullified, which supports the opinion of Rabbi Yochanan, as opposed to Reish Lakish who says that ביטול will not occur even in this scenario.

In response to this question, Reish Lakish says that the רישא where the piece becomes nullified is dealing with the case where the piece of chattas meat was impure only rabbinically. Here, the piece may become nullified, and the entire mixture may be eaten. The case in the סיפא where the chattas meat became mixed with regular meat, the issue is one which is דאורייתא, where we do not allow ביטול to apply.

Although our Gemara insinuates that ביטול is allowed for an item which is דבר שבמנין when the issue is only rabbinic, the halacha is in accordance with the Mishnah of ליטרא קציעות that it is cannot be nullified. ■ (רמב"ם—מאכלות אסורות ט"ז:ו.)

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HALACHAH Highlight

Losing track of a utensil that was not immersed

וכל דבר שיש לו מתירין אפילו באלף לא בטיל

Any item that could become permitted is not nullified even in a thousand.

Shulchan Aruch¹ rules that if a utensil that absorbed a prohibited taste becomes mixed with other utensils so that the prohibited utensil is not discernable it is nullified by the majority and all the utensils are permitted. Rema² explains that it is not considered something that will eventually become permitted (דברי שיש לו מתירין) since kashering all the utensils would involve spending money. Rav Shabsai Hakohen³, the Shach, disagreed since the expense involved in kashering the utensils is minor.

This dispute has bearing on another case. If one purchases a utensil from a non-Jew that requires immersion and the utensil becomes mixed with other utensils, is there an obligation to immerse all the utensils or could we declare that it is nullified to the majority of utensils that were already immersed? Some authorities⁴ write that in this case even Shulchan Aruch would agree that the utensil that requires immersion is a דבר שיש לו מתירין. The reason is that koshering utensils requires the investment of the fuel used to light a fire to heat the water that will be used to kasher the utensil but

immersion of utensils does not necessary involve any expense. Rav Avrohom Danzig⁵, the Chochmas Adam disagrees and maintains that just like incurring an expense categorizes something as a דבר שיש לו מתירין so too effort, (טירחא) דבר שאין לו מתירין. Consequently, since immersing the utensils that became mixed together would involve effort it is considered a case of דבר שיש לו מתירין and the one prohibited utensil is nullified.

Rav Yechezkel Landau⁶, the Noda B'Yehudah suggests another rationale why these cases of utensils are not considered דבר שיש לו מתירין. The principle is limited to cases involving food that can only be eaten once and we say why eat the food today if it carries a prohibition when it could be eaten tomorrow without a prohibition. Utensils, however, are different since they could be used today and tomorrow. Consequently, restricting the use of a utensil today is not an application of the principle of דבר שיש לו מתירין since today's use will never return. Accordingly, the prohibited utensil is nullified whether it absorbed a prohibited taste or whether it requires immersion. ■

1. שו"ע יו"ד סי' ק"ב סע' ג'
2. רמ"א שם
3. ש"ך שם סק"ח
4. ע' תשורת ש"י מהד"ת סי' ק"ד
5. חכמת אדם כלל נ"ג
6. ע' פתחי תשובה שם סק"ו בשם הצ"ח ■

STORIES Off the Daf

The Mikveh in Luban

מקוה שיש בו ארבעים סאה מכוננות נתן סאה ונטל סאה כשר

During the intense Communist anti-religious purges of 1932, Soviet officials closed many mikvaos including the one in Luban where Rav Moshe Feinstein, zt"l, presided. They demolished the mikva building on the pretext that it was unhygienic. In its place, they planned to build a bathhouse designated for mixed swimming. They refused to consider separate bathing since any sense of modesty was considered a prudish vestige of the old regime.

Rav Moshe approached the appropriate officials in an effort to secretly reestablish the mikveh. If the officials har-

bored even a trace of suspicion against him, they would deport him to Siberia at best. The gadol put forth a convincing argument. "These new ways may be good for most people, I do not know. However, Jews have always lived with a deeply ingrained sense of modesty and won't bathe in a mixed bath house. This stands to endanger everyone since not bathing for long periods of time tends to breed all sorts of disease. The best solution is to allow separate bathing at least once a week." The officials acquiesced.

As the construction progressed, Rav Moshe bribed the architect to arrange to have ice or snow placed in the empty bath. The pool was initiated with forty se'ah of kosher water, since when there's no choice one may even place snow in the empty mikveh via vessels. (Igros Moshe, Yoreh Deiah I:120) Rav Yochanan says in Yevamos 82b that one

may add a se'ah of invalid liquids to a kosher mikvah and then remove a se'ah. Rashi states that if the invalid liquid is water, the mikveh is kosher even if after adding and removing water a majority of kosher water does not remain.

Since numerous leniencies had to be relied upon to validate the new mikveh, Rav Moshe himself never relied on it throughout the remainder of his time in Luban. Even so, the Rebbitzin went every month since it was vital that the rest of the Jews of Luban have confidence in the kashrus of the mikveh.

In the entire region surrounding Minsk, a radius of hundreds of kilometers, Luban possessed the only mikveh. Since people didn't have access to transportation from many areas, there were women who walked all the way to Luban, in some cases a journey of 3 days to fulfill this precious mitzvah!< ■

