



## OVERVIEW of the Daf

### 1) Clarifying the Mishnah (cont.)

R' Pappa cites the Baraisa that contains the opinion that holds that something that is sold by number is not nullified even Rabbinically and certainly not Biblically.

R' Ashi offers an alternative explanation for our Mishnah.

It is suggested that one could take the animals from the mixture and offer them under the principle that "whatever separates is assumed to come from the majority."

This principle is not applicable since the prohibited animal is in its fixed place and as such the percentages are treated as fifty-fifty and thus still prohibited.

It is suggested that one could force the animals to leave their set place in order to invoke the principle of "whatever separates is assumed to come from the majority."

Rava explains why this suggestion is not a viable option.

This explanation is challenged and Rava offers an alternative explanation.

### 2) Offering animals from the mixture

Rava rules that the animals from the mixture containing the prohibited animal may not be offered.

R' Huna bar Yehudah challenges this ruling.

The Gemara explains by differentiating between the position that living animals could be rejected and the opinion that maintains that living animals can not be rejected. ■

## REVIEW and Remember

1. According to R' Meir, what is the point of dispute between R' Eliezer and R' Yehudah?  
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2. Explain ככל דפריש מרובא פריש?  
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3. Why is it not an option to force the group of animals that contain a prohibited animal to disperse?  
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4. Explain בעלי חיים אינן נידחין?  
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## Distinctive INSIGHT

### Calculating the nullification of pressed teruma figs

רואין את העליונות כאילו הן פרודות והתחתונות מעלות את העליונות

The Gemara now brings the Mishnah where R' Pappa found an opinion which holds that we do not use the rules of nullification when we are dealing with a commodity which even some people care to sell by count. It is a Mishnah in Terumos (4:10), and a Tosefta (ibid. 5:13) where the full discussion of the Tannaim appear.

When teruma becomes mixed together with regular fruit, it can only be nullified if it is outnumbered one hundred to one. The Mishnah describes a case of a container in which figs were pressed. Figs of teruma were placed in the top of one of the containers, but not mixed in with the rest of the dried, pressed figs below. Later, many containers became mixed up, including the one with the teruma on top. R' Meir says that R' Eliezer holds that we can consider the figs in all the containers, both the tops as well as the bottoms, toward a calculation of one hundred to one to outnumber the teruma. Even though we certainly know that the teruma was on top of its container, and that it was not mixed with the fruit below, we can use the number of all the fruit in all the barrels, both the tops as well as the bottoms, to outnumber the teruma. R' Yehoshua notes that the fruit on the bottoms of the barrels is not part of the unknown. He contends that we may only nullify the teruma if we have one hundred tops of barrels, and the fruit at the bottoms of the barrels may not be used toward this calculation.

Many Rishonim (Rashi to Beitza 4a, Rosh, Bertinoro, Meiri) explains that the view of R' Eliezer is that although we allow the figs below to nullify the teruma above, we still view each barrel separately to determine the nullification of one hundred to one. Each barrel in which teruma might have been placed is only permitted if that barrel had one hundred times permitted figs more than the volume of the teruma which was added.

However, Rashi in our Gemara is that we do not calculate each barrel individually, but we may rather use all the barrels collectively to determine the nullification of one hundred to one against the teruma. Rashi seems to explain in this way because it does not seem that the case is where each barrel had one hundred times the volume more than the teruma which was added. The calculating of all the

# HALACHAH Highlight

## Was it permitted to drink chicory?

אלא ניכבשינהו דניידי ונימא כל דפריש מרובא פריש

Why can't we confine them so that they should wander and we could then declare that whatever separated from the majority?

A few hundred years ago there was a drink made from chicory that was similar to coffee. The primary difference was that coffee is made from a bean and chicory is a grass. It became known that when manufacturing chicory, pig fat was mixed in and made up 1/50 of the final product. This obviously gave reason for concern since at that ratio the pig fat was not nullified. Many Poskim of that time wrote about this drink. Rav Shlomo Kluger<sup>1</sup> permitted the consumption based on a combination of different factors. One factor was the fact that the chicory is not consumed straight; it is mixed with water. Consequently, by the time a person drinks the chicory drink, the pig fat has become nullified at a ration of 60:1. Additionally, there are a number of chicory manufacturers that are Jewish and one can be certain that the Jewish manufacturers do not mix pig fat in. Therefore, based on a parallel ruling of Rema<sup>2</sup>, there is no issue to purchase chicory in a store rather than from the factory directly. The rationale is that once the chicory has left the place where it was manufactured it is considered *פרוש* separated, and halacha says that

(Insight...continued from page 1)

barrels is also the approach which Rambam (Commentary to Mishnah, Terumos) uses to explain the Mishnah. Shitta Mikubetzes (Beitza 3b) also uses this approach, based upon the fact that the Mishnah's illustration uses many containers, rather than just one. ■

once something is separated from its original location one may assume that it comes from the majority.

In response to a challenge to his position, Rav Kluger elaborated further and demonstrated from our Gemara that if something is sent away from its place it is still considered separated. The Gemara discusses the case of an invalidated Chatas that becomes intermingled with other korbanos and the Gemara suggests that one should confine the animals to a small area thereby forcing them to disperse and at that point they are separated and one should be allowed to assume that each animal is from the majority that is permitted. We see from this that although something was known to be prohibited in a mixture and was fixed in its place, nevertheless, as long as one takes it after it separated from that place it is permitted. So too, even though the storeowner took the chicory from a fixed place, since the customer is purchasing it after it was separated we can assume that what he takes is from the majority. ■

1. שו"ת טוב טעם ודעת תליתא ח"ב סי' י"ד
2. ע' רמ"א יו"ד סי' קי"ד סע' י' ■

# STORIES Off the Daf

## The Smaller Majority

קבועה כמחצה על מחצה דמי

The Yismach Moshe, zt"l, once gave a wondrous explanation of the greatness of Jewish souls. "As is well known, the halachah follows the opinion of the majority. Yet this brings to mind a fairly obvious question: If we hold like the majority, why don't Jews follow the non-Jews? They are certainly the majority in the world!

"The answer might have been that when we are established in a fixed place, the halachah is that we count as half, regardless of the actual numbers, as we find in Zevachim 73. But of

course this does not help since we wander around in exile and have never been established any one place for any great length of time.

"The answer to this question lies in the realization that a Jewish soul is much greater than the soul of an idolater. Like Moshe Rabebinu whose soul was equal to all six hundred thousand Jews, every Jewish soul is equal to numerous idolatrous souls. Therefore they do not count as a majority at all. Quite the contrary..."<sup>1</sup>

The Kisvei Moshe, zt"l, answered in a very different manner. "We only nullify something in a majority when we have a doubt. It makes no sense to be nullified to the majority we know is wrong. But that answer is only valid after matan Torah. When Avraham left

his home to wander, why didn't he go after the majority and act like non-Jews? The answer lies in a story recounted in the Midrash. 'Avraham was like a man who comes upon a burning building who wonders how it could be that the structure has no owner. When the owner hears about this he sticks his head out the window and says, 'I am the owner of the building!' Similarly, when Avraham wondered who was the owner of the world, Hashem revealed Himself to Avraham and said, 'I am the Creator of the world.'

"We see from this midrash that before he traveled Avraham also knew the truth. Why go after the multitudes when he knew they were living a lie?"<sup>2</sup> ■

1. קדושת יו"ט לך לך
2. כתבי משה לך לך