

## OVERVIEW of the Daf

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

The reason why two Mishnayos are needed to teach that one forbidden animal causes the entire mixture to be prohibited is explained.

It is suggested that the prohibited animal should be nullified in the majority of permitted animals.

The Mishnah which is the basis for this dispute is cited.

The related disagreement between R' Yochanan and Reish Lakish is recorded.

R' Pappa begins a resolution to the question of why the prohibited animal is not nullified in the majority of permitted animals. ■

## REVIEW and Remember

1. Why are two Mishnayos needed to teach that one forbidden animal causes the entire mixture to become prohibited?
2. What type of object cannot be nullified?
3. Is it possible to nullify kil'ayim of the vineyard?
4. What is the point of dispute between R' Yochanan and Reish Lakish?

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מרת חנה בת ר' יעקב מאיר, ע"ה

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## Distinctive INSIGHT

*Why are the disqualified animals not outnumbered?*

אלא למאן דאמר את שדרכו לימנות שנינו מאי איכא למימר

The halacha in the Mishnah is that animals which are disqualified for an offering do not become outnumbered or nullified when a small amount of them become mixed with a larger number of animals which are eligible for offerings.

The rule is that when we have a mixture of prohibited items together with permitted items the prohibited items can become outnumbered. The verse (Shemos 23:2) states, "follow after the majority." The Gemara notes that our Mishnah is dealing with live animals, and one of the exceptions to the rule of following the majority is where the prohibited item which is being outnumbered is "important." The definition of "important" in this context is the subject of a disagreement between R' Yochanan and R' Shimon b. Lakish. R' Shimon b. Lakish says that items are important if they are usually counted one by one when being bought and sold. An animal fits into this category, because many, but not all, people sell them by number. R' Yochanan, however, says that "important" in the context of not being outnumbered by the majority is where an item is always sold by counting, and never by estimation. Animals do not fit this definition, as sometimes a herd of animals is sold as a group and not by precise count. According to R' Yochanan, the Gemara asks why are the animals in our Mishnah which are prohibited to be used for offerings not outnumbered by the permitted ones?

R' Pappa answers that according to R' Yochanan, we must say that the author of our Mishnah is R' Yehuda, as explained by R' Yehoshua, who holds that we cannot outnumber items which are even sometimes sold individually. This opinion appears in a Mishnah regarding dates which become mixed in with others.

Tosafos (ד"ה אלא) notes that the Gemara might have initially answered this question against R' Yochanan by saying that a שור הנסקל is not outnumbered because it is "important" no less than a piece of neveilah meat, which the Gemara in Chullin (100a) identifies as the type of thing which is important because it can be served to a guest, and it is therefore not able to be outnumbered or cancelled out in a mixture. A full ox is certainly at least as important as a piece of meat. The Mishnah in Avoda Zara

## HALACHAH Highlight

### Nullifying unwatched kernels

Let it be nullified in the majority

Poskim discuss whether wheat kernels that were not watched for the sake of making matzah could become nullified in wheat kernels that were watched for the sake of the mitzvah. Teshuvos Divrei Yoel<sup>1</sup> was asked about this matter and explained that the principle of rov – majority – teaches that the minority is drawn after the majority and Biblically the prohibited substance is treated as though it is the permitted substance. Accordingly, we could hold that the unwatched wheat kernels are transformed and become usable for the mitzvah. He proves from a comment of Rashi in our Gemara that this is the mechanics of rov. Rashi<sup>2</sup> explains that the source for the principle of rov is what the Torah says that in Sanhedrin final decisions are determined by the majority. The question asked<sup>3</sup> is how does Sanhedrin serve as the model for the principle of rov? Seemingly when a vote is taken the Torah teaches that the decision follows the majority, but where do we see that the minority becomes transformed into the majority?

Maharam Shik<sup>4</sup> explains that a decision of Sanhedrin is binding only when all the members of the Sanhedrin are pre-

וניבטלו ברובא

(Insight...continued from page 1)

(74a) also lists a שור הנסקל among the items which are not nullified in a mixture. Tosafos answers that, in fact, our Gemara's question is not from שור הנסקל, which is certainly not able to be nullified. Rather, the Gemara is questioning the case of disqualified chattas offerings, which can include birds, which become mixed with eligible animals, and are not nullified. The Gemara's question is why these birds are not nullified. ■

sent. If we were to assume that when the minority is outvoted they are considered non-existent it would emerge that Sanhedrin's decision was not made by a Sanhedrin with all the members present. It must be that the decree of the pasuk is that the minority gets drawn after the majority. In order for their decision to be binding it is unnecessary for the minority to become transformed into the majority, all that is necessary is for them to be drawn after the majority. This indicates that the principle of rov does not create a change in reality. Similarly, we can draw the conclusion that the unwatched wheat kernels can retain their character but nevertheless, the principle of rov allows the minority to become drawn after the majority. ■

1. שו"ת דברי יואל ח"מ סי' קל"ו אות ד'

2. רש"י ד"ה וניבטיל ברובא

3. ע' פמ"ג יו"ד שער התערובות ח"א פ"א

4. שו"ת מהר"ם שיק יו"ד סי' ק"ד וסי' קכ"ט ■

## STORIES Off the Daf

### The Sealed Barrel

וחביות סתומות

A certain wealthy shopkeeper sold large quantities of strictly kosher fish to the public at large. With such a large turnover, he would often send a trustworthy agent down to the wharf to purchase salted fish by the barrel.

One time he purchased a barrel of fish and after it was mixed together with many barrels of kosher fish in his store he found out that it had been preserved with non-kosher fish and was therefore forbidden. Although there were enough barrels of

the same kind of permitted fish to nullify the barrel of forbidden fish, it was not clear that this would suffice. As we find on today's daf, a closed barrel is considered a דבר חשוב which is never nullified.

Although he was wealthy and this was not such a great loss to him, the shopkeeper still decided to ask a rav whether there was some way around the problem. After all, what could he lose?

When this question came before the Ohr Hachaim HaKadosh, zt"l, he ruled that it was all permitted. "Although the Gemara does indeed explicitly state that closed barrels are important and are never nullified, this is only regarding what is אסור בהנאה

Something which is only forbidden to eat does not have the special status of דבר חשוב. Therefore the forbidden fish is batel.

"Although the first consideration is enough to permit the fish in your case, there is another reason why this may not be a problem. It is only when the issur is of Torah origin that a דבר חשוב prohibits, not in a case where the actual issur of the דבר חשוב is merely rabbinic. Since salted fish are usually אסור, their juices are only אסור. If the fish you bought is not fatty, it would be permitted for this reason alone." ■

1. ש"ע יו"ד סי' פ"ג

2. פרי תואר סי' ק"י, the Pri Megadim

disagrees on both counts, however ע' שפתי דעת סי' ק"י סי' קכ"ב