



לע"נ ברוך בענדיט וברכה גרוס ע"ה
by Mr. & Mrs. Duvy Gross

לע"נ אסתר אביגיל בת חיה רבקה וציפורה רחל בת אסתר מחלה THE DIMONT FAMILY EDITION

THE SHABOT MATTERS

שבת קודש פרשת מקץ | מסכת יבמות דף פ"א

INSIGHTS FROM OUR CHABUROS

Nullifying an Item Which is Prohibited from Benifit

כולן ידליקו דברי רבי מאיר וחכמים אומרים יעלו באחד ומאתים

This Mishnah in Kilayim cites two opinions regarding kilayim produce which falls into and mixes with a larger amount of non-kilayim produce. Rebbe Meir holds that we do not rely upon ביטול, and the entire mixture must be destroyed by fire. Chachamim hold that if the kilayim is outnumbered by a ratio of 201:1, the blend may be salvaged. The entire pile is permitted for benefit and even to eat.

Tosafos (ד"ה כולן ידליקו) notes that there is a third opinion in this matter, that of Rebbe Eliezer, whose opinion is even accepted for the halacha. His opinion is that one bundle at random is removed and thrown into the Dead Sea, while the remaining bundles are permitted. Rebbe Eliezer appears in Avoda Zara 49b in the context of bread baked in an oven heated with prohibited avoda zara wood. The rationale for his opinion is that, after all, we do not allow the owner to benefit from the prohibited item. If there are 202 bundles, although we do not know which one is the prohibited item, we do know that only 201 of the bundles are permitted. The prohibited item is בטל, but one item must still be removed and destroyed. Why does the Mishnah in Kilayim not mention the opinion of Rebbe Eliezer? Tosafos answers that Rebbe Eliezer only requires disposing of one item when it comes to avoda zara, which is more stringent than other cases of הנאה איסורי, such as kilayim.

Alternatively, Rebbe Eliezer only requires an item to be destroyed by being thrown into the Dead Sea in cases where the original source of הנאה איסור is no longer intact. These were a case of bread which was baked in an oven heated with sticks of avoda zara, and a garment woven using a needle of avoda zara. In both of these cases we take a token amount and toss it away, because the actual prohibited item is no longer intact. However, in the case of the bundles of kilayim, the actual prohibited item is still intact, mixed into the blend. In this case, Rebbe Eliezer would not necessarily permit the remaining bundles merely by destroying one bundle at random.

PARSHA CONNECTION

In this week's daf we learn that אגוזי פרך are very special. Although one can find many nuts, these are unique and people sell them by the individual unit as opposed to other nuts which are sold by weight. In פרשת מקץ we see a very similar idea, when יעקב sends יוסף nuts from Israel the possuk (מג, יא) says והורידו בכליכם ויארם אלהם ישראל אביהם אם כן אפוא זאת עשו קחו מזמרת הארץ when sending the brothers back to get more food, יעקב tells them to take along a little honey, peanuts, almonds, etc, which רש"י explains were unique to ארץ ישראל. Why did he send along a gift, and why did he specify "מעט" (a little)? Wouldn't it be nicer to send a lot? The Alshich Hakdosh explains that יעקב was using the same method in dealing with יוסף which he used successfully with עשו, namely sending a gift. However he didn't want to send a large gift, since יוסף was holding שמעון he was concerned that it may look like an attempt to bribe יוסף if he sent a large gift.

STORIES OFF THE DAF The Lechem HaPanim

פרוסה של לחם הפנים טהורה שנתערבה במאה פרוסות של חולין

It is well known that the famous Rashash learned the entire Shas in depth. But many are unaware that he was also a wealthy banker. When the Shaagas Aryeh, zt"l, visited the Rashash's well-appointed home, the two spoke in learning. During their conversation, the Shaagas Aryeh exclaimed, "All this opulence and you can also learn?"

Once, when the Netziv, zt"l, was a young man, he visited the Rashash who was twenty three years his senior. The Rashash asked the Netziv a difficult question that had been on his mind.

"The Gemara in Yevamos 81b implies that if any amount of bread was mixed with the lechem hapanim and a person is not able to distinguish one element from the other, the entire mixture must be treated with the sanctity of the lechem hapanim. Tosafos explains why bitul does not apply in this case. Since the lechem hapanim is more 'chamir' (material or corporeal), such bread is considered important enough to serve a guest of honor. This is one of several categories that Chazal decreed cannot be nullified when in a mixture. It is not clear, however, why something chamir is in this category. What makes the matter more difficult to understand is that Tosafos in Zevachim 72b says that the lechem hapanim cannot be nullified in a mixture because the flour is so very fine. This makes lechem hapanim a delicacy that one would give an honored guest. Is this not clearly in contradiction with the Tosafos in Yevamos?"

The Netziv considered this question and said, "Instead of 'chamir' the word should be 'chavir', which means fine. Sometimes we find that two letter vavs in a manuscript run into one another and resemble a mem. The printer must have inadvertently changed chavir to chamir. Then we find that the two Tosafos are in perfect agreement!"

Although the Rashash was thrilled with this answer, he still had a question. "Why didn't I find the solution myself?"

The Netziv explained, "His honor toils in Torah amidst great wealth and honor. I learn Torah in difficult material circumstances. Such challenges force one to exert greater effort. Naturally, more toil opens up much deeper wellsprings of understanding!"

HALACHA HIGHLIGHT

Nullifying Mitzvah Objects

אבל חתיכה של חטאת טהורה שנתערבה במאה חתיכות של חולין טהורות וכו' דברי הכל לא תעלה

But if one piece of tahor chatas meat becomes mixed with one hundred pieces of tahor chullin... all opinions agree that it does not become nullified

Rabbeinu Yisroel Isserlin¹, the Terumas Hadeshen, expressed uncertainty about the halacha of the following case. There were a number of people who lit their Chanukah menorah in the same room and one of the Chanukah candles became intermingled with two other candles used as the shamash. Is it possible to rule that the Chanukah candle is nullified by the majority of other candles and thus permitted to derive benefit from the three candles? Terumas Hadeshen writes that the principle that objects that are counted are not nullified is not limited to the way the objects are sold in the market; rather even objects sold by weight but counted when utilized for a mitzvah are also considered objects that are counted and are not nullified in a majority. Accordingly, although candles are sold by weight, nevertheless, since when used for the mitzvah of lighting candles on Chanukah they are counted, they are considered objects sold by number and are not nullified by a majority. Therefore, concerning the question at hand the mitzvah candle that became mixed amongst two other candles is not nullified and all three candles are prohibited from benefit. Proof to this principle can be found in Tosafos' comment to our Gemara. Tosafos² notes that a piece of Korban meat is not considered significant (ראויה להתכבד) since it is only fit to be eaten by kohanim, even though were it not for its sanctity it would be a significant piece of meat. Tosafos thus focuses on the present condition of the object (i.e. its sanctity) rather than its general condition (i.e. significant for guests) even to be lenient, certainly in our case where this principle is used for stringency the principle will hold true.

This ruling is cited by Rema³ but Rav Shlomo Luria⁴, the Maharshal, disagrees and maintains that the candle is nullified. Rav Dovid Halevi⁵, the Taz, writes that even according to Rema this ruling is limited to when the candles became intermingled during Chanukah and could be used for the mitzvah the following day. If they were mixed up on the last day of Chanukah or later the candles revert back to their standard status of an object sold by weight that could be nullified by a majority. Mishnah Berurah⁶ notes that a majority of authorities follow the ruling of Rema.

1. שו"ת תרומת הדשן סי' ק"ג
2. תוס' ד"ה דברי הכל
3. רמ"א או"ח סי' תרע"ג סע' א'
4. ע' מ"ב שם ס"ק כ"ב שמביא דבריו
5. ט"ז שם סק"ו
6. ע' שער הציון שם ס"ק כ"ד

MUSSAR FROM THE DAF

The Whole is Greater Than the Sum of the Parts

את שדרכו לימנות שנינו

The Gemara teaches us a principle regarding the law of Bitul. If it is the derech to count an item, we are told that such an item cannot be nullified. Al Pi Drash, we can see from this Klal a Yesod in Tefilah.

The poskim tell us that one should always be sure to daven with a minyan. Indeed, according to the Emek Bracha (Sugya of Birchas Krias Shema) while an individual's tefillah may not always answered one who davens with the Tzibur, his Tefilah is always answered.

Even more, a tefillah without כוונה is accepted more if it is בצבור then if one had davened ביחידות. When one is counted and part of a minyan, we see that their tefilah is chashuv and won't be lost or become מבטל. The כלל in our Gemara is a reaffirmation of this principle in tefilah.

Sometimes it is difficult to exert one's self to make it to a specific minyan. We are often rushed and the Yetzer Hora can try to convince a person that a Tefilah also works at home. However, if they remember that they have a greater chance for their tefillos to be answered, if they are in a minyan, that added motivation can be the extra push a person may need to conquer the yetzer hara.

POINT TO PONDER

The Gemara brings a ברייתא about a piece of meat which gets mixed up with other pieces of meat. The first scenario is a piece of חטאת טמאה which gets mixed in with 100 pieces of חטאת טהורה and the ברייתא says that it is מותר. In the second case of a חתיכה טהורה it says that it not בטל. Since we are equating pieces of meat to chunks of figs, and saying that both are usually counted, why would it make a difference if it is רוהט? Is the criteria dependent on this particular piece of meat, or is it pieces of meat?

Response to last week's Point to Ponder:

The Gemara tells us that one can tell if someone is a סריס from birth. It then asks why we are not concerned that maybe he was healed in between his birth and now. Such a possibility has important ramifications to a יבמה who would otherwise not need even chalitza to be permitted to get remarried. Since he was born a סריס, why don't we leave him on the הקדח that nothing changed? (And not need the Gemara's answer that such a healing cannot happen).

Although we would normally say that things remain the same, and we can assume that the status which they had yesterday (or earlier) is still the same, for example a Mikva that had 40 סאה last week is assumed to still have 40 סאה today, this does not apply to living beings. Therefore, we don't assume that a סריס is always a סריס, unless we know that nothing has changed. (See ריטב"א & ערוך לנר).

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמלשטיין ז"ל, Shelly Mermelstien, לע"נ

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Gutterman, please visit our website, dafaweek.org, or download the app

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