

The Hakuk Edition **English Topics on the Daf**

Dedicated l'refuah sheleima for Yaakov ben Victoria

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THE EIGHTH PEREK OF YEVMOS IS DEDICATED:

לזכר נשמת שלמה בן יהושע והחבר דוד בן החבר מרדכי

Yevamos Daf 81

A multifaceted and complex area of halacha is taaroves, mixtures involving forbidden foods. Our daf touches on a detail of bittul – the nullification of the forbidden element in a mixture – namely, that it does not apply to prominent items.

Three opinions are listed in the Beraisa. R' Meir words are further disputed by R' Yochanan and Reish Lakish. How do we hold?

The Shulchan Aruch (Y.D. 110) says that only seven things cannot become bottul due to their prominence – R' Akiva's opinion. The Rema, on the other hand, says the custom follows R' Yochanan, that any item that is usually counted is also not bottul. And Maharshal and others hold like Reish Lakish's interpretation, that even things occasionally counted are not bottul.

Many poskim write that we should follow the Maharshal, except in cases of significant loss of money. Then we may follow the Rema, and anything that is not generally sold by number may be bottul. Sefardim may follow the Shulchan Aruch, and everything is bottul save for the 7 items listed there.

Thus, the halachic difference between Rema and Maharshal would involve

something that is sometimes counted but not always. The Gemara in Beitza provides the example of eggs: they are sometimes sold by number and sometimes as a basketful. Today, writes Maharshal, it's a moot point, because people don't sell them by the basket anymore.

The Terumas Hadeshen (103) has a novel application of "davar sheb'minyan" relevant to the prohibition of deriving benefit from Chanuka candles. What if some chanukios get mixed up and we can't tell which is a Chanuka light and which is a shamosh? If there were at least two shamoshes, can we say the Chanuka light is bottul? He rules that it is not. Although candles themselves may be sold in a bundle, without a particular number, yet they are considered "davar sheb'minyan." Why? Because we light a specific number of candles each night! Once they're lit, they are indeed a "counted" item. He bases this on Tosfos in our sugya (d.h. "Divrei").

This is cited by Rema in Hilchos Chanuka (673:1). Since it's not bottul, we are not allowed to relight candles for our own needs if they went out before melting fully. The only way to use them is to light them

along with enough other candles that we may attribute our benefit to the new candles. (Actually, the Maharshal argues on this Terumas Hadeshen since candles may be sold by weight and not number; he doesn't agree with the logic that we count the candles when we light them. Mishnah Berurah writes that in a case of great need one may be lenient and rely on this opinion.)

Some more practical applications from the sefer Psakim Uteshuvos (Siman 110:2): Items that are considered "counted" include eggs, bread, esrogim on Sukkos and clothing. Thus, if a passul esrog gets mixed up with even a large number of kosher ones, it will not be battul. Or, if an article of clothing was found to have shaatnez and is now lost among others, it is not battul and must be found or rechecked.

However, things sold by volume or weight are not. Even certain items sold individually, like cans of food or drink, may fall under this category. You're essentially paying according to the amount contained within, and the packaging is simply for convenience. Indeed, the Rema himself, who paskens here that something counted is not bottul, says elsewhere (134:2) that small containers of wine are bottul – even though they probably are sold according to number! (Badei Hashulchan, Levushei Oz) Only an item that is a defined entity in and of itself falls into the category; receptacles of collected things do not.

There are other factors affecting this halacha, including the rule that "davar sheb'minyan" applies only when the issur is inherent to the item, not if it came from another source. For example, a chair had muktzeh on it when Shabbos began, in a way that makes it a basis l'dovor ha'assur even after the muktzeh item falls off. Afterwards, the chair got mixed up with

other ones and we cannot tell which one it was. Some authorities say that it is not bottul since chairs are "counted" objects. Others opine that the issur is not inherent to the chair but came from the muktzah item, so may become bottul and permissible.

Another shealah revolves around a Sefer Torah which was found to be passul but then got mixed up with kosher Torahs. It certainly is something sold by number, so shouldn't be bottul. But, some say that the issur is considered something auxiliary so can become bottul. The Chasam Sofer (Shu"t Y.D. 277) ruled emphatically that it's forbidden since the problem with the Torah is inherent to it. It is therefore a "davar sheb'minyan" and not bottul (he added other reasons, as well).