



THE SHABUOT MATTERS

שבת קודש פרשת ויגש | מסכת יבמות דף פ"ב

INSIGHTS FROM OUR CHABUROS

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 to become nullified, which supports the כל שדרכו לימנות 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 where the piece becomes nullified is dealing with the רישא 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 (מאכלות אסורות ט"ז:—רמב"ם).

STORIES OFF THE DAF The Mikveh in Luban

מקוה שיש בו ארבעים סאה מכוונות נתן סאה ונטל סאה כשר

Someone once asked the Vilna Gaon, zt"l, "The Gemara in Yevamos 73a brings an idea that is somewhat difficult to understand. The verse says that, 'the pure will sprinkle on the impure.' This seems to clearly indicate that only one who is already ritually pure may sprinkle the ashes of the red heifer. Yet our Gemara states that from the very word 'pure' we learn that a טבול יום may also sprinkle the ashes of the heifer even though he hasn't yet completed his purification process. Where did the Gemara learn this from? As we know, a verse does not deviate from its simple meaning. How did Chazal derive this interpretation that appears to contradict the verse itself?"

The Vilna Gaon explained without hesitation, "The general rule is every time we find an exclusionary statement that directly follows another, it is meant to be inclusive. The obvious question that comes to mind is why should the Torah make use of a 'double negative' in order to indicate positive inclusion? Why not just use inclusive language at the outset? The Yerushalmi explains that we need two מיעוטים because the use of inclusive language after exclusionary language would simply uproot the first statement. In other words, it would be too inclusive. If, on the other hand, we use two מיעוטים, we achieve a more limited type of inclusion, which is the exact nuance needed in that particular situation.

The Gaon continued, "This is the explanation of our Gemara. In the verse it states, 'And the pure shall immerse in the water.' 'This is the first מיעוט—the pure, and not just anyone, will immerse. Then we find a second verse that also uses the term 'pure'—and that is the second מיעוט, which now opens a window of inclusion. It cannot come to include one who is completely defiled, since this would contradict the word 'pure' of the first verse entirely. For this reason, the Gemara concludes that the inclusion implied by the two exclusions is a טבול יום—someone who is somewhat, but not completely, pure!"

PARSHA CONNECTION

In this week's daf the Gemara discusses the level of קדושה which ארץ ישראל has today. Prior to כיבוש יהושע, we were considered גרים, meaning that we did not have our own land. When מצרים came to יעקב and decided to stay there, יוסף wanted to make sure that his family would not feel displaced. As we read in this week's Parsha, יוסף transferred all of the Egyptians from one part of the country to another, so that everyone felt like בני ישראל, as בני ישראל (רש"י מז, כ"א). The only group which was not displaced were the Egyptian priests, and the question is why did יוסף leave them in their permanent home? The מדרש אגדה offers a fascinating reason. The מדרש explains that when יוסף was falsely accused by אשת פוטיפר the priests helped יוסף by posing a simple question, where was the garment ripped, if the front of the garment is ripped, than אשת פוטיפר is telling the truth, but if the back of the garment is ripped than she is lying. As a repayment for coming to his defense and possibly saving his life, יוסף let them remain in their original homes.

HALACHA 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 (דבר 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 kashering 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 (טירחא), so too effort דבר שאין לו מתירין something as a renders something a דבר שיש 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. שר"ע יו"ד סי' ק"ב סעי' 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

MUSSAR FROM THE DAF

A Light in the Dark

רב אשי אמר סיפא משום דהוי ליה דבר שיש לו מתירין וכל דבר שיש לו מתירין אפילו באלף לא בטיל

Rav Ashi teaches us a כלל that when ritually pure meat becomes intermingled with ritually impure meat, the impure meat does not become nullified as it is an object whose prohibition can become permitted. What lesson for life can we apply this to? Sometimes a person can fall into a very dark place. They may lose their self worth. They have trouble making proper decisions as they don't properly appreciate the danger being done to them as a result of their actions. However, if they can see a vision of themselves changing into a refined and spiritual person, this glimmer of light can create a fire within them. They can now at least form an image of their future pristine self. Once they recognize this "light" at the end of the tunnel, it can be enough for them to slowly make small changes. Al Pi drash, this can be the lesson of our Gemara.

POINT TO PONDER

The Gemara discusses a case where a סאה תרומה and a חולין fell into two large containers, one of them סאה חולין and the second תרומה and we don't know which fell into which. The ברייתא says that we assume that the תרומה fell into חולין and the חולין into חולין. According to רבי יוחנן there is no need for there to be more חולין than תרומה. How about if there is less חולין than תרומה? Would he still maintain that we say תרומה fell into חולין and חולין fell into חולין?

Response to last week's Point to Ponder:

The גמרא brings a ברייתא about pieces of meat that get mixed up. The first scenario is a piece of טמאת טהור that gets mixed up with 100 pieces of טמאת טהור which the ברייתא says is מותר. In the second case a חתיכה טהורה says that it is 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 טהור? Is the criteria dependent on this particular piece of meat, or is it pieces of meat?

The case of חתיכה בחתיכות, is a case of pieces of meat which are only considered לימנות שדרכו את שדרכו in certain situations. We must first determine whether the piece is a piece that is worthy for a guest (חתיכה הראייה להתכבד) and if it is then it is also considered something which is normally counted. In the first case where the meat is טמא, it is not worthy of a guest in its current state and it is therefore בטל. However in the second case since it's טהור it can be offered to a guest כהן. (See פרי ק"א (מגדים יורה דעה סימן ק"א).

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמעלשטיין ז"ל, Shelly Mermelstien, לע"נ has been dedicated to Yevamos

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

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The shavua matters is published by the Daf a week program under the rabbinical guidance of Harav Meir Stern shlita and Harav Shmuel Kamenetsky shlita

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