



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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Permitted foods combining with prohibited food

Rabbi Avahu says in the name of Rabbi Yochanan that permitted food mixed with prohibited food does not combine,¹ except for the foods prohibited to a nazir, as the verse states that the nazir may not eat *mishras* – *soaking*, which refers to bread soaked in wine.²

Zeiri says that another exception is sourdough which one may not sacrifice, according to Rabbi Eliezer, who says that the word *kol* – *all* teaches us something extra. Since the verse prohibiting one from sacrificing sourdough uses the word *kol*, it teaches that permitted foods can combine with the prohibited sourdough to make one liable for sacrificing.

The Gemora says that it should also follow that permitted foods can combine with chametz on Pesach, as the verse uses the word *kol* in the prohibition of chametz.

The Gemora says that chametz is included, but Zeiri highlighted sourdough to teach that one is only liable if he sacrificed at least a kazayis, which is in contrast to Abaye’s position that one is liable for any amount sacrificed.³ (43b3 – 44a1)

¹ The minimum quantity to involve punishment is as much as an olive. Now, if a man eats half that quantity of cheilev together with half that quantity of permitted meat simultaneously, the latter does not combine with the former, that it should be regarded as though he had eaten the full quantity of prohibited food.

² By this the Gemora understands that he must not eat bread steeped in wine. Now bread itself is permitted, yet Scripture forbids the combination of bread and wine as though that also were forbidden, and if the two together amount to an olive, punishment is involved. For if Scripture refers to a case where the wine itself contains that quantity,

Touching terumah spices

Rav Dimi was sitting and teaching Rabbi Yochanan’s statement that permitted foods don’t combine with prohibited ones.

Abaye challenged it from a Mishna about a *tevul yom* – *one who immersed in the mikveh the same day who touched porridge with spices* (e.g., oil, garlic) in it. If the porridge was terumah and the spices are chullin, and he touched the terumah, it is all invalid, as the oil and garlic are considered part of the porridge.⁴ If the porridge is chullin, and the spices are terumah, and he touched the terumah, only what he touched is invalid.

The scholars asked why anything is invalid in the second case, as the spices should be considered nullified relevant to the chullin porridge.

Rabbah bar Bar Chanah answered that it is invalid, as a non-kohen who eats a kazayis from this porridge would be liable for lashes. What is the reason for this?⁵ Presumably, he would be liable since we consider the whole porridge

why state it at all; obviously the wine is not less prohibited merely because it has been absorbed by the bread?

³ Even if one burns less than an olive of chametz on the Mizbeach, he is culpable, since the chametz itself, whatever its quantity, involves punishment.

⁴ A *tevul yom* disqualifies terumah. Since the main part of the dish is terumah, even the chullin too becomes unfit, because it is subsidiary to the terumah.

⁵ "When a lay Israelite eats as much as an olive of that dish, he has not eaten that quantity of terumah. Why then does he incur lashes?"

to be terumah, indicating that the permitted porridge combines with the terumah to be prohibited.

Rav Dimi deflected this by saying that he is liable if he eats a kazayis of the terumah, as long as it is in a mixture that is a pras - half a loaf of bread or smaller, as such a ratio is considered eating a full kazayis in one eating.⁶

Abaye asked Rav Dimi whether this type of mixture is prohibited from the Torah, and he said it is. Abaye said that if this is so, why do the Sages dispute Rabbi Eliezer about *kutach – milk and bread dip*, and say that one is not liable for eating it on Pesach?

Rav Dimi responded that if we accept Abaye's proof, which would establish that permitted food combines with prohibited food, we would have the same question, as the Sages should say that the whole mixture is prohibited.

Rather, Rav Dimi answers that the composition of *kutach* makes it impossible for one to be liable for eating a kazayis. If one eats it in the normal way of dipping food in it, he will not have eaten a kazayis in the time it would take to eat half a bread, while if he ate it quickly, it is an abnormal way of eating, for which one isn't liable. (44a1 – 44a3)

Kazayis in the span of a pras

Abaye challenged the principle of a kazayis in the span of a pras from a braisa which says that if two mortars, one with terumah spices and one with chullin spices fell into two pots, one of chullin and one of terumah, the chullin pot remains permitted, as we assume that each mortar fell into the matching pot. If a kazayis mixed in a pras is prohibited from the Torah, how can we be so lenient with such a doubt? The Gemora answers that terumah of spices

⁶ I.e., if he eats as much as half a loaf of eight average eggs in size, this half constituting an average meal, within the time that the normal eater requires for a meal, he will have eaten as much as an olive of terumah, and for that he is culpable.

is itself only Rabbinic, and we therefore can be lenient with a doubt.

Abaye challenged this principle from a braisa which says that if two boxes of grain, one of terumah and one of chullin, fell into two bins of grain, one of chullin and one of terumah, the chullin is permitted, as we assume that each box fell into the matching bin. If such a mixture is prohibited from the Torah, why are we lenient with this doubt?

The Gemora answers that although terumah of grains is from the Torah, terumah nowadays is all Rabbinic, and we therefore are lenient with a doubt. (44a3 – 44a4)

Taste is like substance

The Gemora challenges Rabbi Yochanan's use of the word *mishras* to teach that permitted foods combine with the prohibited nazir foods from a braisa that learns from this word that the taste of a prohibited food is tantamount to its substance.⁷ The braisa says that therefore if one soaked grapes in water, giving the water their taste, a nazir is liable for drinking such wine.

We can extrapolate from nazir to all other prohibitions, since nazir has the following lenient aspects, and yet makes anything with its taste prohibited:

1. It is not forever
2. It is not a prohibition on benefit
3. There is a way for it to become permitted

We can certainly apply this to the prohibition of hybrid seeds planted in a vineyard, which is stricter than nazir in all three ways, and to the prohibition of *orlah* – the fruits from the first years of a new tree, which is stricter in two ways, as its fruit is permitted after the third year. The

⁷ I.e., that the taste of all forbidden food is forbidden just as the substance itself.



Gemora answers that this braisa follows the Sages, while Rabbi Yochanan was explaining Rabbi Akiva's position.

Which [ruling of] Rabbi Akiva [is alluded to]? Shall we say, Rabbi Akiva of our Mishnah, for we learned: 'Rabbi Akiva said: If a nazir soaked his bread in wine, and it contains sufficient to combine as much as an olive, he is culpable'? But from where [do you know that he means sufficient] of the bread and the wine; perhaps [he means] of the wine alone?⁸ And should you say, [if] of the wine alone, why state it? He informs us thus: [He is culpable] although it is a mixture! — Rather it is Rabbi Akiva of the braisa. For it was taught, Rabbi Akiva said: If a nazir soaked his bread in wine and ate as much as an olive of the bread⁹ and the wine [combined] he is culpable.

The Gemora asks where Rabbi Akiva learns that taste is considered the substance of a food, since he uses mishras to teach about combining permitted foods with prohibited ones.

The Gemora suggests that he learns it from the prohibition of meat and milk, which is prohibited simply due to taste transfer. The Sages would challenge this source, as this prohibition is unlike others.

The Gemora explains that it is not different because the mixture of two permitted items is prohibited, as hybrid planting is another example of this. Rather, the difference is that if one soaks meat in milk a full day, it is permitted, and it is only prohibited once one cooks it, while any other prohibition applies once something was soaked in it.

The Gemora therefore says that Rabbi Akiva does not learn from meat and milk, but rather from the fact that the Torah required us to expunge the pots of non-Jews from

⁸ Viz., that the bread had soaked up that quantity of wine. Yet the term 'combine' is applicable, because the wine is not separate now but is spread through the bread.

the prohibited food absorbed in them, even though the absorption is only taste. The Sages challenge this source, as this prohibition is also a unique one, as it applies even though the absorptions do not contribute a constructive taste, but rather an unpleasant one.

Rabbi Akiva says like Rav Chiya the son of Rav Huna said - that we learn from the case of pots which were used that same day, making their absorptions pleasant, while the Sages say that absorptions are already somewhat unpleasant even on the same day. (44a4 – 44b3)

Rav Acha the son of Rav Avia suggested to Rav Ashi that just as the Sages extrapolated from nazir to other prohibitions the principle of taste being like substance, Rabbi Akiva should extrapolate that permitted foods can combine with prohibited ones. Why does he limit it to the case of nazir? He answered that the Torah singled out nazir and chatas to teach this principle, indicating that it only applies to these two, but no others.

The Gemora cites a braisa about chatas which explains that if other meat absorbed chatas meat, it now has the status of chatas meat, indicating that the whole other meat, even though it was permitted meat, becomes like chatas. (44b4 – 45a1)

INSIGHTS TO THE DAF

Leniencies of nazir

The Gemora cites a braisa which highlights three lenient aspects of nazir, one of which applies to orla, but none of which apply to kilaim in a vineyard:

1. It isn't prohibited forever
2. It isn't prohibited from benefit

⁹ The wine had not soaked through the whole olive-bulk of the bread, so that part of the bread is by itself; and the only reason for culpability must be the principle enunciated by Rabbi Yochanan.

3. There is a way for the prohibition to be permitted.

Rashi explains that the first aspect means that the prohibited item will be permitted at some point in time, i.e., when the nazir's period is over. The third aspect means that even during the prohibited time, the prohibited item can become permitted, by the nazir getting his vow annulled by a scholar.

Tosfos (44b v'hu) cites a similar Gemora (Kiddushin 38a), which lists the same lenient aspects about *chadash* – new grain.

Tosfos challenges Rashi's explanation, as in the case of *orla*, the only thing which becomes permitted after three years is the new fruit, but the fruit which grew until then always remains prohibited. If so, it doesn't have the first lenient aspect.

Rabbenu Tam therefore says that the lenient aspect it has is the third, since the fruit of the fourth year can be eaten, if one redeems them, and takes the money to Yerushalayim.

The Ri explains that the first aspect means that grapes that grow after the nazir's period is over are not prohibited, just as the fruit that grow on the tree after three years are not prohibited, and just as whatever grows on the kernels of grain after the omer is offered is permitted. He explains that if we explain the third aspect like Rashi, it would apply to *chadash* according to Rabbi Yehuda, who says that without an omer, it is prohibited the whole second day of Pesach. Therefore, offering the omer is a way to permit the prohibition, just like annulling the nazir vow.

He also suggests that the third aspect means that the actual grapes which were prohibited to the nazir themselves are permitted to him after his period is over, and like the grain of *chadash* which itself becomes permitted when the omer is offered, as opposed to *orla*,

as the actual fruits that grew in the first three years are always prohibited. He says that the Gemora did not consider annulling a nazir vow or offering the omer a lenient aspect, as annulling it doesn't make it permitted, but simply uproots it, and perhaps the Gemora didn't follow Rabbi Yehuda's position on the time for permitting *chadash*.

Nosein Ta'am L'fgam

The rule regarding "*nosein ta'am l'fgam*" is a rule that constantly comes up when dealing with questions in the kosher kitchen. If a person has cooked either *milchig* or *fleishig* in a pot, the pot is considered to have a physical presence of whatever was cooked in it for the next twenty-four hours. This is known as a pot that is "*ben yomo*" – "within its day." What exactly does "*ben yomo*" mean? Does it mean twenty-four hours, or does it possibly mean something else?

Rashi and Tosfos in Avodah Zarah (76a, DH "Bas Yoma") indeed say that it means something else. They say that it could also be that one full night has passed. This means that if the cooking happened slightly before nightfall, the next morning it is already not a *ben yomo*.

However, many others such as the Aruch quoted by the Rema in Yoreh Dei'ah (94:1), hold that twenty-four hours is required. This is the opinion that is commonly followed. However, the opinion of Rashi and Tosfos is an opinion that some *poskim* will use to help form a lenient answer. Therefore, if a *kashrus* question involves a vessel that did not have twenty-four hours pass, but did pass through the night before the cooking in question, one should mention this to the *posek* he is consulting.