

אֵלֶּא הָא דְאָמַר לְהוּ רַבָּה בַּר אַבּוּה לְרַבִּנָּן: עֵינֵינוּ בֵּיה בְּרַב נַחְמָן, אִי בְּשָׂרוֹ מַעֲלָה הִבֵּל – אֵיתִיב לֵיה בְּרַת – כִּמְאֵן, כְּרַב הוּנָא?! לֹא, רַב נַחְמָן סִיבֵי דִיקְנָא הוּיָא לֵיה.

The Gemara asks: **But if so, with regard to that which Rabba bar Avuh said to the Sages: Examine Rav Nahman when he bathes and if his flesh gives off steam I will give him my daughter for a wife, in accordance with whose opinion did he issue these instructions? Is it not in accordance with the opinion of Rav Huna, who maintains that all the signs must be present, as presumably he could see that Rav Nahman did not have a beard? The Gemara answers: No, Rav Nahman had wisps of a beard, and therefore Rabba bar Avuh wanted to know whether he displayed the other signs of sexual incapacity.**

”הַסְרִים לֹא חוֹלֵץ וְלֹא מֵיבֵם וְכֵן אֵילּוּנִית” וְכוּ, קִתְּנֵי סְרִים דּוּמְיָא דְאֵילּוּנִית, מָה אֵילּוּנִית בִּידֵי שְׂמִים – אִף סְרִים בִּידֵי שְׂמִים, וְסִתְמָא כְּרַבִּי עֲקִיבָא, דְאָמַר: בִּידֵי אָדָם – אֵין, בִּידֵי שְׂמִים – לֹא.

§ It is taught in the mishna that a **sexually underdeveloped man does not perform *halitza* or enter into levirate marriage with his *yevama*, and similarly, a sexually underdeveloped woman does not perform *halitza* or enter into levirate marriage with her *yavam*.** The Gemara comments that the *tanna* teaches the case of a **sexually underdeveloped man similarly to that of a sexually underdeveloped woman, from which it can be inferred: Just as in the case of a sexually underdeveloped woman, her disability is by the hand of Heaven, so too, in the case of a sexually underdeveloped man, his disability must be by the hand of Heaven. And this unattributed view in the mishna is in accordance with the opinion of Rabbi Akiva, who said: With regard to one whose incapacity was brought about by the hands of man, yes, he is considered like any other man and performs *halitza*, whereas one who suffers his condition by the hand of Heaven does not do so.**

”הַסְרִים שְׁחֹלֵץ לִיבְמַתּוֹ לֹא פְסָלָהּ” כּוּ, טַעְמָא דְבַעֲלָהּ הוּא, הָא אַחֵר – לֹא.

§ It is further taught in the mishna that if a **eunuch performed *halitza* with his *yevama*, he has not thereby disqualified her from marrying into the priesthood, but if he had intercourse with her, he has disqualified her.** The Gemara infers from this wording that **the reason for her disqualification is that he, the *yavam*, had intercourse with her, as she had intercourse with her *yavam* outside the framework of permitted levirate marriage. But if a different individual had relations with her she would not be disqualified.**

Perek VIII
Daf 81 Amud a

HALAKHA

A widow waiting for her *yavam* who engaged in an act of licentious relations – שׁוֹמֵרֵת יָבָם שְׂוִינְתָה: If a woman waiting for her *yavam* to enter into levirate marriage with her had intercourse with another man, she is not forbidden to her *yavam* if he is an ordinary Israelite, against the opinion of Rav Hamnuna. According to the Rema, she is prohibited to the other man in any event, as a penalty (*Shulhan Arukh, Even HaEzer* 159:3).

לֵימָא תִּיהוּ תִּיּוֹבְתָא דְרַב הַמְּנוּנָא, דְאָמַר: שׁוֹמֵרֵת יָבָם שְׂוִינְתָה פְסוּלָה לִיבְמָה! לֹא, הוּא הַדִּין אֶפְיֵלוּ לְאַחֵר נַמְי, וְאֵינִי דִתְנָא רִישָׁא בְּדִידֵיהּ תְּנָא נַמְי סִיפָא בְּדִידֵיהּ.

Shall we say that this is a **conclusive refutation^N of the opinion of Rav Hamnuna, who said: A widow waiting for her *yavam*, who engaged in an act of licentious relations,^H is disqualified from entering into levirate marriage with her *yavam*,** like an ordinary married woman who committed adultery? The Gemara rejects this argument: **No, this presents no difficulty for Rav Hamnuna, as it is possible that the same is true even in a case where she had relations with a different man, that she too would be disqualified from marrying into the priesthood. But since the *tanna* taught the first clause with regard to the *yavam* himself, he also taught the latter clause with regard to the *yavam* himself, even though the same *halakha* applies if she cohabitated with another.**

NOTES

לֵימָא תִּיהוּ – תִּיּוֹבְתָא: The phrase shall we say generally indicates that the proposed suggestion or difficulty will ultimately be dismissed by the Gemara. In this case, however, the *halakha* is not ruled in accordance with Rav Hamnuna’s opinion, and it is therefore unclear why the Gemara goes to such lengths to explain the mishna in accordance with his opinion. While it is true that the Gemara occasionally defends an entirely rejected view, it is uncommon. The Ritva asserts that there is a reason for this inquiry, as the ruling of the mishna is in accordance with the opinion of Rabbi Akiva, and Rav Hamnuna’s opinion must be accepted in order to reach Rabbi Akiva’s conclu-

sion. This is because it may be argued that a woman awaiting levirate marriage who married or had relations with another man before *halitza* has transgressed a prohibition. According to Rabbi Akiva, who equates those who have transgressed standard negative prohibitions with those liable to receive *karet* with regard to the validity of their marriage, she is considered a harlot even in that case. However, ultimately, the *halakha* is not ruled in accordance with the opinion of Rabbi Akiva. Therefore, a woman awaiting levirate marriage is not considered like a married or a betrothed woman, and having relations with another man does not disqualify her from marrying her *yavam*.

”וכן איילונית שחלצו לה אחיו” בו, טעמא דבעלוה, הא לא בעלוה לא, במאן – דלא כרבי יהודה, דאי רבי יהודה – האמר: איילונית זונה היא.

It is taught in the mishna: **And similarly**, with regard to a sexually underdeveloped woman, if one of the brothers performed *halitza* with her he has not disqualified her, but if he engaged in intercourse with her he has disqualified her. The Gemara infers from this wording that **the reason for her disqualification is that he had intercourse with her; but if he did not have intercourse with her she is not disqualified.** According to whose opinion was this clause of the mishna taught? One must say that it was **not taught in accordance with the opinion of Rabbi Yehuda.** As, if one would claim that this teaching is in accordance with the opinion of Rabbi Yehuda, **didn't he say that a sexually underdeveloped woman is considered like a woman who has had sexual relations with a man forbidden to her by the Torah [zona], and so she is in any case disqualified from marrying into the priesthood?**⁴¹

מתני' קריס חמה בהן שנשא בת ישראל מאכילה בתרומה. רבי יוסי ורבי שמעון אומרים: אנדרוגינוס בהן שנשא בת ישראל מאכילה בתרומה.

MISHNA If a priest who is a eunuch by natural causes married an Israelite woman, he enables her to eat⁴¹ *teruma*. Rabbi Yosei and Rabbi Shimon say: If a priest who is a hermaphrodite, possessing both male and female genitals, married an Israelite woman, he enables her to eat *teruma*.

רבי יהודה אומר: טומטום שנקרע ונמצא זכר לא יחלוץ, מפני שהוא כקריס. אנדרוגינוס נושא, אבל לא נישא. רבי אליעזר אומר: אנדרוגינוס חייבין עליו סקילה בזכר.

Rabbi Yehuda says: If a *tumtum*, whose external sexual organs are indeterminate, was torn open so that his genitals were exposed, and he was found to be a male, he must not perform *halitza*,⁴² because he is treated like a eunuch. A hermaphrodite may marry a woman but he may not be married⁴³ by a man, as he is considered a man. Rabbi Eliezer says: If one had intercourse with a hermaphrodite, he is liable to receive the punishment of stoning on his account as if he had had relations with a male.

גמ' פשיטא! מהו דתיקא: מוליד – מאכיל, שאינו מוליד – אינו מאכיל, קא משמע לן.

GEMARA The Gemara questions the mishna's teaching concerning a priest who was sexually impotent from birth: This is obvious; why should such a priest not enable his wife to partake of *teruma*? The Gemara answers: This *halakha* is necessary lest you say that since the verse states: “And such as are born in his house, they eat of his bread” (Leviticus 22:11), the allowance to eat *teruma* depends on the priest's capacity to father children, i.e., that only **one who can father children enables his wife to eat⁴⁴ *teruma*, but one who cannot father children does not enable his wife to eat *teruma*.** Therefore, the *tanna* teaches us that the priest's capacity to have children is irrelevant.

HALAKHA

A sexually underdeveloped woman marrying a priest – איילונית לכהן: It is permitted for a sexually underdeveloped woman to marry a priest, as she is not forbidden to him as a harlot. This ruling is in accordance with the opinion of the Rabbis who disagree with Rabbi Yehuda (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 18:3).

A eunuch by natural causes...enables her to eat – קריס חמה – מאכיל: If a priest who was sexually incapacitated from birth married an Israelite woman, he enables her to eat *teruma* (Rambam *Sefer Zera'im*, *Hilkhot Terumat* 7:14).

A tumtum with regard to halitza and levirate marriage – טומטום בחליצה ויבום: A *tumtum* may perform *halitza* but not levirate marriage, as his status as a man is in doubt. If he was

torn open so that his genitals were exposed, and he was found to be a male, he may either perform *halitza* or enter into levirate marriage, as the Gemara later (83b) indicates that the Rabbis disagree with Rabbi Yehuda, and the *halakha* is in accordance with their opinion. Others (*Be'er HaGola*) maintain that he, too, is considered of doubtful status, and the ruling is stringent, as nowhere is it stated explicitly that the Rabbis disagree with Rabbi Yehuda (*Shulhan Arukh*, *Even HaEzer* 172:9).

A hermaphrodite may marry, but he may not be married – אנדרוגינוס נושא אבל לא נישא: It is permitted for a hermaphrodite to marry a woman. He is likewise considered a male to the extent that if a man had relations with him, he is liable to be stoned, in accordance with the opinion of Rabbi Eliezer and Rabbi Yehuda (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 1:15).

NOTES

מוליד – מאכיל: Rashi and other early authorities explain that this suggestion is based on the verse “And such as are born in his house, they eat of his bread” (Leviticus 22:11). Regardless of the fact that the verse refers to slaves and not children, Rashi still cites it as

proof. The underlying idea is that if a man, by his very nature, is incapable of fathering children, his marriage is considered incomplete. Therefore, a woman who is married to a sexually impotent priest is not fully acquired by him, and consequently he does not enable her to eat *teruma*.

אֲנָדְרוֹגִיטוֹס בְּהֵן – A priest who is a hermaphrodite – Since a hermaphrodite has both male and female sexual organs, he constitutes a category of his own. If he is a priest, he does not enable his wife to eat *teruma*, in accordance with the conclusion of the Gemara on 83a. The Rema rules that he has the status of a male, in accordance with the mishna (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 7:14; *Shulhan Arukh*, *Even HaEzer* 44:5).

Teruma in the present – **תְּרוּמָה בְּזִמְנֵהּ הַזֶּה**: The obligation to set aside *terumat* and tithes nowadays is not by Torah law but rather by rabbinic decree, even in locales that were settled by those who returned to Eretz Yisrael from Babylonia, in accordance with the opinion of Rabbi Yohanan in explanation of the Rabbis (Vilna Gaon; *Shulhan Arukh*, *Yoreh De'a* 331:2).

”רַבִּי יוֹסֵי וְרַבִּי שִׁמּוֹן אָמְרִים אֲנָדְרוֹגִיטוֹס.” אָמַר רִישׁ לָקִישׁ: מֵאֲכִילָהּ בְּתְרוּמָהּ, וְאֵין מֵאֲכִילָהּ בְּחֻזָּהּ וְשׁוֹק. רַבִּי יוֹחָנָן אָמַר: אִף מֵאֲכִילָהּ בְּחֻזָּהּ וְשׁוֹק. וְלִישׁ לָקִישׁ, מֵאִי שָׂנָא חֻזָּה וְשׁוֹק, דְּאֹרִייתָא – תְּרוּמָה נְמִי דְּאֹרִייתָא!

הֵכָא בְּמֵאִי עֲסָקִינָן – בְּתְרוּמָה בְּזִמְנֵהּ הַזֶּה, דְּרַבְּנָן. אָבֵל בְּזִמְנֵהּ שְׁבִית הַמִּקְדָּשׁ קָיִים מֵאִי – לֹא, אֲדַתְנִי: אֵין מֵאֲכִילָהּ בְּחֻזָּה וְשׁוֹק, לִיפְלוּג וְלִיתֵינִי בְּדִידָהּ: בְּמָה דְּבָרִים אָמְרִים בְּתְרוּמָה דְּרַבְּנָן, אָבֵל בְּתְרוּמָה דְּאֹרִייתָא לֹא!

הֵכִי נְמִי קָאָמַר: כְּשֶׁהוּא מֵאֲכִילָהּ – מֵאֲכִילָהּ בְּתְרוּמָה בְּזִמְנֵהּ הַזֶּה, דְּרַבְּנָן, וְאֵין מֵאֲכִילָהּ בְּזִמְנֵהּ חֻזָּה וְשׁוֹק, וְאִפְּלוּ בְּתְרוּמָה דְּרַבְּנָן, דְּלִמָּא אֲתֵי לְאוֹכְלָהּ בְּתְרוּמָה דְּאֹרִייתָא.

It is taught in the mishna that **Rabbi Yosei and Rabbi Shimon say**: If a priest who is a **hermaphrodite^H** married an Israelite woman, he enables her to eat *teruma*. **Reish Lakish said: He enables her to eat *teruma*, but he does not enable her to eat the breast and thigh of peace-offerings.** **Rabbi Yohanan says: He even enables her to eat the breast and thigh^N of peace-offerings.** The Gemara asks: **And according to Reish Lakish, what is different about the breast and thigh of peace-offerings?** If you say it is that they are by Torah law, *teruma* is also by Torah law. Why, then, is it permitted for her to eat *teruma*, but not the breast and thigh of peace-offerings?

The Gemara answers: **With what are we dealing here?** We are dealing with *teruma in the present*,^{HN} after the destruction of the Temple, when *teruma* is in effect only by rabbinic law. The Gemara asks: **But when the Temple is standing, what is the halakha?** He does not enable his wife to eat *teruma*. But if so, there is a difficulty. **Instead of teaching that he does not enable her to eat the breast and thigh of peace-offerings, let him distinguish and teach it within the case of *teruma* itself as follows: In what case is this statement said?** It is said with regard to *teruma* that is in effect only by rabbinic law, but with regard to *teruma* that is in effect by Torah law this ruling does not apply.

The Gemara answers: **That is also what he is saying.** In other words, this is actually what Reish Lakish means, as his statement should be understood as follows: **When he enables her to eat, he enables her to eat *teruma* in the present, when *teruma* is in effect only by rabbinic law, but he does not enable her to eat *teruma* at a time that the breast and thigh are given to the priests, i.e., when the Temple is standing, not even *teruma* that is in effect only by rabbinic law.** This is due to the concern that **perhaps he will bring her to eat *teruma* that is in effect by Torah law.**

NOTES

אִף מֵאֲכִילָהּ – He even enables her to eat the breast and thigh – **בְּחֻזָּה וְשׁוֹק**: The discussion in the Jerusalem Talmud, which also cites this dispute but with the opinions reversed, concerns the breast and thigh themselves. According to one opinion, the ruling is lenient due to an *a fortiori* inference. The reasoning is that had the Jews not sinned with the Golden Calf they would all have been fit to eat the breast and thigh, but owing to that sin, the right to partake of the priestly gifts was awarded exclusively to the descendants of Aaron. *Teruma*, in contrast, was from the very outset a gift to the descendants of Aaron. For this reason, one for whom it is permitted to partake of *teruma* may certainly share in the breast and thigh.

Teruma in the present – **תְּרוּמָה בְּזִמְנֵהּ הַזֶּה**: The issue of *teruma* in the present time is already disputed by the *tanna'im*. In various

forms this disagreement is taken up by the *amora'im* and early authorities. Some maintain that the opinion that *teruma* nowadays applies by rabbinic law is based on the assumption that by Torah law the sanctity of Eretz Yisrael has lapsed but the Sages ruled that mitzvot dependent on the Land must still be observed. However, even according to this opinion, the Gemara's wording: At a time that the breast and thigh are given to the priests, is imprecise, as the sanctity of Eretz Yisrael with regard to *terumat* and tithes is tied not to the existence of the Temple but to the fact that the majority of Jews are living in Eretz Yisrael. Accordingly, this opinion, as explained by the Rambam, maintains that even during the time of the Second Temple, *terumat* and tithes were not practiced by Torah law; rather, the people accepted upon themselves the obligation to give *teruma* (see Nehemiah, chapter 9).

ורבי יוחנן אמר: אף מאכילה בתורה ושוק. אמר ליה רבי יוחנן לריש לקיש: מי סברת תרומה בזמן הזה דרבנן? אמר ליה: אין, שאני שונה: עיגול בעגולים עולה.

However, Rabbi Yoḥanan disagrees and says that he even enables her to eat the breast and thigh of peace-offerings. With respect to this dispute, Rabbi Yoḥanan said to Reish Lakish: Since you distinguish between *teruma* and the breast and thigh, do you maintain that *teruma* in the present is mandated only by rabbinic law? He said to him: Yes, and the proof is that I teach that a cake^b of dried figs that became intermingled with other cakes^{nh} is nullified.ⁿ If a cake of *teruma* figs became intermingled with one hundred ordinary cakes, the cake is nullified and it is not necessary to treat them all as *teruma*. If the cake, which is a food of importance in its own right, is nullified, this must be because the *teruma* is only by rabbinic law.

אמר ליה: והלא אני שונה: חתיכה בחתיכות עולה. מי סברת "כל שדרבו לימנות" שנינו? "את שדרבו לימנות" שנינו.

Rabbi Yoḥanan said to him: But don't I teach that even a piece of a sin-offering that became intermingled with other pieces of meat is nullified, as I maintain that the *halakha* of nullification applies even to Torah prohibitions? Do you maintain that we learned that any object that it is usual to count, i.e., any object that is even occasionally sold by unit, rather than by weight or measure, is considered to be important and therefore cannot be nullified? This is not so, as in fact we learned that only that which it is usual to count, i.e., an object that is always sold by unit and in no other manner, is considered to be important and is therefore not subject to nullification; and cakes of dried figs are not always sold by unit.

מאי היא? דתנן: מי שהיו לו חבילי תלתן של כלאי הכרם – ידלקו. נתערבו באחרות

The Gemara asks: What is this *halakha* to which Rabbi Yoḥanan alludes? As we learned in a mishna (*Orla* 3:6–7): In the case of one who had bundles of clover,^b a type of legume, of a forbidden mixture of food crops in a vineyard,^h i.e., clover plants that grew in a vineyard, these bundles must be burned, as it is prohibited for one to derive benefit from a forbidden mixture of food crops in a vineyard. If the forbidden bundles became intermingled with others that are permitted,

Cake [iggul] – עיגול: During the talmudic period figs were preserved in various ways. One method involved drying them after they were harvested and then pressing them into round vessels. A cake of this kind was therefore called an *iggul*, literally meaning round. After these cakes were removed from these vessels the figs formed the shape of a flat cylinder. These cakes of figs were usually of uniform size and shape, and were often sold wholesale rather than individually.

Clover – תלתן: *Tiltan* has been identified with the clover-like plant fenugreek, which is Latin for Greek hay, or *Trigonella foenum-graecum*, a plant of the Fabaceae family. It is less than 1 m tall and has white flowers and hollow, hairy, light green leaves that are clustered in sets of three. It produces thin pods, which measure up to 15 cm and contain flat seeds of up to 5 mm in length. Fenugreek is usually cultivated for its seeds, which can be eaten or used in the preparation of many different spices. Its young branches are also used as a spice after they are cooked. In many countries fenugreek is also used as animal fodder and fertilizer.



Fenugreek leaves, seeds, and pods

NOTES

A cake of dried figs with other cakes – עיגול בעגולים: Some early authorities raise a difficulty here: It is possible that the reason a cake of *teruma* is nullified by other cakes is that the *teruma* of fruit applies by rabbinic law, as opposed to Torah-mandated *teruma*, which is limited to the produce specified by the Torah, i.e., grain, wine, and oil. If so, this case has no bearing on the status of *teruma* nowadays. Consequently, they explain that this must follow the view that the *teruma* of fruit is by Torah law, or, as the Ra'avad explains, that the *teruma* of the fruit of the seven species of Eretz Yisrael is mandated by the Torah. Otherwise, one could say that if the *teruma* of fruit is by Torah law, *teruma* nowadays is not by Torah law,

and even if the *halakhot* of *teruma* do apply nowadays by Torah law, the *teruma* of fruit applies by rabbinic law. Either way, there is no proof from here with regard to the *halakhot* of *teruma* in general (see Ritva and Meiri).

Nullified [oleh] – עולה: Rabbi Avraham min HaHar explains that the word *oleh*, which literally means raised, is used here instead of the more usual term *batel*, meaning nullified, because even if the *halakhot* of *teruma* do not apply to the mixture, as it need not be eaten exclusively by priests in a state of ritual purity, the monetary aspect of the obligation is not negated, and the owner must give a priest the value of the nullified *teruma* cake.

HALAKHA

A cake of dried figs with other cakes – עיגול בעגולים: If a cake of *teruma* figs became intermingled with ordinary cakes and it cannot be identified, the cake is nullified in a mixture of one hundred parts of non-*teruma* to one part *teruma* (Rambam *Sefer Zera'im, Hilkhot Terumot* 14:2).

Bundles of clover of food crops in a vineyard – חבילי תלתן של כלאי הכרם: It is prohibited to sow seeds or vegetables near vines, or to plant a vine alongside grain or vegetables. If one did so, it is prohibited to derive benefit from the seeds, vegetables, or grapes, and they must all be burned (*Shulhan Arukh, Yoreh De'a* 296:3).

BACKGROUND

Badan – בָּדָן: Badan is identified today with Hirvat Parva in the Badan valley, a few kilometers northwest of Shechem.

Shoots of beet [*hilfei teradin*] – הַלְפֵי תֶרְדִין: The vegetable mentioned here is chard, *Beta vulgaris cicla*, a subspecies of the beet plant. Chard is an annual garden vegetable from the Chenopodiaceae family. Its large, fleshy leaves, 15–30 cm long, are eaten only after being cooked, and their flavor is similar to that of spinach. Today the leaves also serve as chicken feed. The *ge'onim* explain that the *hilfei teradin* mentioned in the Talmud are *tzela'ot hateradim*, spinach ribs. Some say that this is a special type of spinach with unique leaves.



Chard

בולן ידלקו, דברי רבי מאיר. וחכמים אומרים: יעלו באחד ומאתים, שהיה רבי מאיר אומר: כל שדרכו לימנות מקדש, וחכמים אומרים: אינו מקדש אלא ששה דברים בלבד. רבי עקיבא אומר שבעה.

אלו הן: אגוזי פרך, ורמוני בָּדָן, וחביות סתומות, וחלפי תרדן, וקולחי כרוב, ודלעת יונת. ורבי עקיבא מוסיף אף כפרות של בעל הבית. הראונו לערלה – ערלה, לכלאי הכרם – בלאי הכרם.

רבי יוחנן סבר: "את שדרכו לימנות" שנינו, וריש לקיש סבר: "כל שדרכו לימנות" שנינו.

they must all be burned; this is the statement of Rabbi Meir. **And the Rabbis say: They are nullified in a mixture of one part forbidden food to two hundred^H parts permitted food. As Rabbi Meir would say: Any object that it is usual to count renders a mixture prohibited.** In other words, objects that are counted and sold by the unit, rather than by weight or estimation, are considered of special importance, and so they cannot be nullified by any majority and therefore must be burned. **But the Rabbis say: Only six objects^N are important enough that they cannot be nullified and therefore render their mixtures forbidden. Rabbi Akiva says: There are seven such objects.**

They are as follows: **Perekh nuts**,^H high-quality nuts from a place called Perekh; **Badan^B pomegranates**, pomegranates from a place called Badan; **sealed barrels^N of wine**; **shoots of beet**;^B **cabbage stalks**; and **Greek gourd**. **Rabbi Akiva adds**, as his seventh item, **a homeowner's loaves**.^N Different prohibitions apply to these seven items: **Those that are fit for the prohibition of *orla***, fruit that grows in the first three years after a tree has been planted, i.e., the nuts and pomegranates, render the entire mixture *orla*. **Those that are fit for the prohibition proscribing a mixture of food crops in a vineyard**, i.e., the beets, cabbage, and gourd, render the entire mixture a mixture of food crops in a vineyard.

And it was stated that *amora'im* disagreed about the precise wording of this mishna: **Rabbi Yohanan holds that we learned: That which it is usual to count**, i.e., Rabbi Meir's stringent ruling is limited to objects that are sold exclusively by unit. **And Reish Lakish holds that we learned: Any object that it is usual to count**, i.e., even items that are only sometimes sold by unit are considered important and cannot be nullified.

HALAKHA

יעלו באחד – Nullified in a mixture of one to two hundred – נאמרים: If a bundle of vegetables that are forbidden as a mixture of crops in a vineyard became intermingled with two hundred permitted bundles, or if a fruit that is forbidden as *orla* became intermingled with two hundred pieces of permitted fruit, the entire mixture is permitted. The *halakha* is ruled in accordance with the opinion of the Rabbis, against the sole dissenting opinion of Rabbi Meir (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 16:8).

Perekh nuts, etc. – אגוזי פרך וכו': If an object of importance that is forbidden became intermingled with permitted objects, it is not nullified even in a mixture of one to one thousand. This category consists of seven items: Perekh nuts, Badan pomegranates, sealed barrels of wine, shoots of beet, cabbage stalks, Greek gourd, and a homeowner's loaves. Though

this is presented here as Rabbi Akiva's view, the subsequent unattributed mishna follows his opinion (Vilna Gaon). Similarly, animals are considered to be significant and therefore cannot be nullified. Other items can be nullified, each in accordance with the relevant prohibition.

Some authorities maintain that any item that is always counted and only sold by the unit cannot be nullified, and this is the accepted custom. This is the opinion of the Rema, based on *Tosafot* and others, in accordance with Rabbi Yohanan. The fact that the *amora'im* disagree in accordance with the opinion of Rabbi Meir indicates that the *halakha* follows his opinion. Some (*Sefer HaTeruma*; see Vilna Gaon) rule that even objects occasionally sold by number cannot be nullified (Rambam *Sefer Kedusha, Hilkhot Ma'akhalot Assurot* 16:9; *Shulhan Arukh, Yoreh De'a* 110:1).

NOTES

Only six objects – ששה דברים בלבד: The Rabbis maintain that it is not enough for an object to be of some importance for it to be immune to nullification. Rather, it must be of special significance, like the six items enumerated here. The Rambam writes that the listing of these six items was appropriate for their time and place, but the same applies to anything of equal importance. This opinion helps resolve the difficulties raised by *Tosafot* and the Rashba that there are also other items that cannot be nullified.

Sealed barrels – חביות סתומות: *Tosafot* in tractate *Zevahim* claim that this term includes barrels filled with oil. The Meiri, on the other hand, maintains that sealed barrels refers exclusively

to barrels of wine, as only with respect to wine is there a difference between barrels that are sealed and thereby protected from going sour and barrels that are not sealed.

A homeowner's loaves – כפרות של בעל הבית: Most commentaries, including *Tosafot*, explain that bakers' loaves are less important than a homeowner's loaves because they are smaller. Others maintain that bakers' loaves are not prepared with great care, unlike those made by a homeowner (*Tiferet Yisrael*). The Meiri suggests a somewhat different interpretation: Since baker's loaves are made to be sold, they are of no significance individually, whereas those of a homeowner are each prepared and handled separately.

A piece of a ritually impure sin-offering is nullified – **הַתִּיבָה הַטְּמֵאָה שְׂמֵאָה תֵּעָלָה**: The commentaries raise a question with regard to this *halakha* that a piece of such a sin-offering is nullified in a mixture of one hundred to one. Even if this piece is not an item that is invariably counted, there would appear to be another reason why it cannot be nullified, i.e., the principle of: A piece fit to be served to guests is significant in its own right and cannot be nullified. The Rashba discusses at length the various solutions offered to this problem. He suggests that a piece that is fit to be served to guests that became intermingled with non-sacred food is not nullified, because were it nullified, it could later be served to guests. But in the case of such a piece that became intermingled with sacrificial meat, since it could not be served to guests even after nullification, as it may be eaten only by priests, it is not considered a piece fit to be served. The Ritva rejects this explanation in favor of the Ra'ah's suggestion that this refers to an uncooked piece of meat that is not fit to be served, or alternatively, that any item that is forbidden not in and of itself but only due to some external factor, e.g., impurity, is not subject to the *halakha* with regard to a piece that is fit to be served.

In any event the first clause teaches – קָתַנְי מִיְהֵת – רִישָׁא: According to most commentaries, this difficulty concludes Rabbi Yohanan's proof from this *baraita* with regard to nullification, an objection raised against the opinion of Reish Lakish. The Razah maintains that the difficulty posed here relates to the opinions of both Rabbi Yohanan and Reish Lakish, as this piece is an item that is usually counted. According to his opinion, some of the subsequent answers are in accordance with Rabbi Yohanan's opinion while others follow that of Reish Lakish. The Ramban rejects this explanation and proves that the difficulty applies only to the opinion of Reish Lakish.

One that had been crushed – נִימוּחָה: Most commentaries maintain that while the first clause of the *baraita* is referring to a crushed piece of meat, the latter clause applies to a whole piece as well. The Rashba claims that according to this answer the entire *baraita* is dealing with a crushed piece. How this dispute is understood depends to a certain extent on how the rest of the discussion is understood, according to the various opinions.

NOTES

A type mixed with its own type cannot be nullified – מִן בְּמִינוֹ לֹא בְּטִיל: The reason that the ruling is more stringent with regard to an item that became intermingled with its own type than with one that became mixed with a different type is that in the latter case the nullification is apparent, as the appearance and taste of the forbidden item have become imperceptible in the mixture. However, if an item became intermingled with its own type, it cannot be said that the unique essence of the prohibition has been canceled in the permitted substance.

מאי התיבה? דתניא: התיבה של חטאת של טמאה שנתערבה במאה חתיכות של חטאת טהורות, וכן פרוסה של לחם הפנים טמאה שנתערבה במאה פרוסות של לחם הפנים טהורות – תעלה. רבי יהודה אומר: לא תעלה.

אבל התיבה של חטאת טהורה שנתערבה במאה חתיכות של חולין טהורות, וכן פרוסה של לחם הפנים טהורה שנתערבה במאה פרוסות של חולין טהורות – דברי הכל לא תעלה.

קתני מיהת רישא תעלה! אמר רבי חייא בריה דרב הונא: בנימוחה.

אי הכי מאי טעמא דרבי יהודה?

The Gemara further explains: **What is the case of a piece**, referred to by Rabbi Yohanan? **As it is taught in a *baraita*: If a piece of a ritually impure sin-offering became intermingled^H with one hundred pieces of ritually pure sin-offerings, and similarly, if a slice of ritually impure shewbread became intermingled with one hundred slices of ritually pure showbread, the impure piece of a sin-offering or slice of shewbread is nullified in its respective mixture.^N Rabbi Yehuda says: It is not nullified.**

However, if a piece of a ritually pure sin-offering became intermingled^H with one hundred pieces of ritually pure non-sacred meat, and similarly, if a slice of ritually pure shewbread became intermingled with one hundred slices of ritually pure non-sacred bread, everyone agrees that the pure piece of sin-offering or slice of shewbread is not nullified in its respective mixture.

The Gemara asks: **In any event, the first clause of this *baraita* teaches^N that a piece of ritually impure sin-offering can be nullified.** This poses a difficulty with respect to the opinion of Reish Lakish, as such a piece of meat is an item that is sometimes counted and considered important in its own right, and it is forbidden by Torah law, but nevertheless it can still be nullified. **Rabbi Hiyya, son of Rav Huna, said:** This *baraita* is referring not to a whole piece of meat but to **one that had been crushed^N and broken into small parts.** Once it is no longer a whole piece, it loses its importance and can be nullified.

The Gemara asks: **If it is so that the piece has been crushed, what is the reason for Rabbi Yehuda's opinion that the piece is not nullified?**

HALAKHA

If a piece of a ritually impure sin-offering became intermingled – **הַתִּיבָה שֶׁל חַטָּאת טְמֵאָה שֶׁנִּתְעַרְבָה**: If a piece of a ritually impure sin-offering became intermingled with one hundred pieces of ritually pure sin-offerings, or if a slice of ritually impure shewbread became intermingled with one hundred slices of ritually pure shewbread, the impure piece or slice is nullified in its respective mixture, in accordance with the opinion of the Rabbis (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 6:23).

If a piece of a ritually pure sin-offering became intermingled – **הַתִּיבָה שֶׁל חַטָּאת טְהוֹרָה שֶׁנִּתְעַרְבָה**: If a piece of a ritually pure sin-offering became intermingled with one hundred pieces of ritually pure non-sacred meat, or if a slice of ritually pure shewbread became intermingled with one hundred slices of ritually pure, non-sacred bread, the impure piece or slice is not nullified, and the entire mixture must be eaten by priests (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 6:24).

Perek VIII

Daf 82 Amud a

רבי יהודה לטעמיה, דאמר: מין במינו לא בטיל.

The Gemara answers: **Rabbi Yehuda conforms to his standard line of reasoning, as he stated a principle that if a particular type of food is mixed with food of its own type, it cannot be nullified^N under any circumstances.**

אבל לא נימוח מאי, לא תעלה – אדתני: אבל התיבה של חטאת טהורה שנתערבה במאה חתיכות של חולין טהורות לא תעלה – ניפלוג וניתני בדידה: במה דברים אמורים בשנימוחה, אבל לא נימוחה – לא תעלה!

The Gemara asks further: **But had the piece of meat not been crushed, what would the *halakha* be?** Presumably, it would not be nullified. If so, there is a difficulty, as **instead of teaching a case involving non-sacred meat in the second half of the *baraita*, as follows: However, if a piece of a ritually pure sin-offering became intermingled with one hundred pieces of ritually pure non-sacred meat, the impure piece of a sin-offering is not nullified; let the *tanna* distinguish and teach it in the case involving only sacred meat, as follows: In what case is this statement said? It is in a case where the piece of meat has been crushed and broken into small parts, but if it has not been crushed, it is not nullified.**