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 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 shewbread, the impure piece of a sin-offering or slice of shewbread is nullified in its respective mixture. Rabbi Yehuda says: It is not nullified.

However, if a piece of a ritually pure sin-offering became intermingled 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 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 and broken into small parts. Once it is no longer a whole piece, it loses its importance and can be nullified.

The Gemara asks: Is it 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: 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: 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, everyone agrees that the pure piece of sin-offering or slice of shewbread is not nullified in its respective mixture.

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 under any circumstances.

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 tamra 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.

A piece of a ritually impure sin-offering is nullified – halakha: The commentators 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. The principle is that a piece that is 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 it was 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 Rishas’s suggestion that this refers to an uncooked piece of meat that is not fit to be served, or alternatively, is an 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 – halakha: Most commentators maintain that while the first clause of the baraita is referring to a crushed piece of meat, the latter clause is referring to a whole piece as well. The Ramban rejects this explanation and proves that the difficulty applies only to the opinion of Reish Lakish.

One that had been crushed – halakha: Most commentators maintain that while the halakha is nullifying, the latter clause is referring to a crushed piece of meat, the latter clause is referring to a whole piece as well. The Ramban rejects this explanation and proves that the difficulty applies only to the opinion of Reish Lakish.

A type mixed with its own type cannot be nullified – halakha: 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.
And according to Reish Lakish, what is different – לָקִישׁ הַרְשִׁי – there are many different versions of the text here, each of which presents its own set of difficulties. See Rashi, who goes to great lengths to explain why this difficulty applies only to Reish Lakish and not to Rabbi Yehoshua. The Rashba explains this version in accordance with his general approach: Rabbi Yehoshua maintains that this is not a case of That which is counted; rather, the question of nullification concerns the issue of a piece of food to be served. The difference between a piece intermingled with pure sacred food and a piece mixed with non-sacred food is that in the former case the mixture is not fit to be served to guests, as the entire mixture must be given to priests. Other early authorities cite the following version, citing the gemara: And according to Rabbi Yehoshua, nullification. The early authorities resolve the question raised by the Gemara: Why is nullification possible in the case of impure pieces, but not in the case of pure ones? Rav Shemesh, son of Rav Idi, said: The first clause is dealing with a piece of a sin-offering that contracted ritual impurity due to liquids, which is imparted by rabbinic law. Since the sacred food contracted impurity that is only rabbinic in origin, it may be nullified rather than allowed to go to waste. The latter clause, on the other hand, deals with sacred food that became intermingled with ordinary non-sacred food. The sacred food is forbidden to non priests by Torah law, and therefore it is not nullified.

The Gemara answers: Even so, the tanna prefers to address the case of an intermingling of ritually pure items with other ritually pure items and thereby teach a novel halakha, notwithstanding the fact that he could have made a distinction within the case of a ritually pure piece itself.

The Gemara asks: And according to Reish Lakish, who establishes the baraita as referring to a piece of meat that has been crushed, what is different in the first clause of the baraita and what is different in the latter clause? Why is nullification possible in the case of impure pieces, but not in the case of pure ones? Rav Shemesh, son of Rav Idi, said: The first clause is dealing with a piece of a sin-offering that contracted ritual impurity due to liquids, which is imparted by rabbinic law. Since the sacred food contracted impurity that is only rabbinic in origin, it may be nullified rather than allowed to go to waste. The latter clause, on the other hand, deals with sacred food that became intermingled with ordinary non-sacred food. The sacred food is forbidden to non priests by Torah law, and therefore it is not nullified.

The Gemara asks: But had the piece of meat mentioned in the first clause of the baraita contracted ritual impurity through contact with a creeping animal, which is imparted by Torah law, 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 latter clause 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 said in a case where the piece of meat contracted ritual impurity due to liquids, but where it contracted ritual impurity through a creeping animal it is not nullified. The Gemara answers: Even so, the tanna prefers to address the novel case of an intermingling of ritually pure items with other ritually pure items.

Rabba said that an alternative explanation may be suggested for the difference between the two clauses of the baraita: In the first clause of the baraita, which deals with the intermingling of impure sacred meat with pure sacred meat, there is concern about the violation of a standard prohibition, i.e., the prohibition against eating impure sacred meat; therefore, the piece of meat is nullified. In the latter clause of the baraita, which deals with the intermingling of sacred meat and non-sacred meat, there is concern about the violation of a prohibition that bears the punishment of karet, which bars a non priest from eating pure sacrificial food; therefore, the piece of meat is not nullified.

The Gemara asks: But wasn’t it Rabba himself who said: With regard to the nullification of any item forbidden by Torah law that became intermingled with a permitted substance, there is no difference between that which is forbidden due to a standard prohibition and that which is forbidden due to a prohibition that entails the punishment of karet, which bars a non priest from eating pure sacrificial food; therefore, the piece of meat is not nullified.

Rav Ashi said yet another explanation: In the latter clause, where ritually pure sacred meat became intermingled with ritually pure non-sacred meat, the sacred meat does not become nullified because it is an object whose prohibition is temporary. The piece of sacred meat is not absolutely forbidden, as it is permitted for a priest to eat it. And the halakha is that any object whose prohibition is temporary cannot be nullified, no matter how great the amount of permitted substance, even in a mixture of one to one thousand.
The Gemara comments: Now, that teaching ascribed to Rav Ashi is certainly a mistake [beduta], as the application of this principle to the case at hand can easily be shown to be erroneous. With regard to whom is the prohibition temporary? If one would say that it is for a priest, the sacred meat was always permitted to him, even before it became intermingled, as a priest may eat both sacred and non-sacred food, and therefore it was never a forbidden mixture with respect to him. And if one would say that it is for an Israelite, the meat will always be forbidden to him. Rather, that teaching attributed to Rav Ashi is clearly a mistake.

The Gemara raises a question with regard to Rabbi Yohanan’s opinion: And does Rabbi Yohanan maintain that teruma in the present applies by Torah law? But isn’t it taught in a baraita: There were two large baskets, one filled with non-sacred produce and the other one filled with teruma, and before them were two one-se’a vessels, one filled with non-sacred produce and the other one filled with teruma. And these, the contents of each of the se’a vessels, fell into those, each of the baskets. It is possible that the teruma fell into the non-sacred produce, and it is prohibited for non-priests to eat a mixture of teruma and non-sacred produce. Nevertheless, the produce found in the basket containing the non-sacred produce is permitted, as I say that the teruma fell into the teruma and the non-sacred produce fell into the non-sacred produce.

And Reish Lakish said that this is only the case if the non-sacred produce in the basket was greater in quantity than the teruma in the one-se’a vessel, so that even if the teruma fell into the non-sacred produce, it is nullified. And Rabbi Yohanan said: The mixture is permitted even if the non-sacred produce was not greater in quantity than the teruma, as one may rely on the assumption that each type of produce fell into its own type.

Granted, according to Reish Lakish, who maintains that teruma nowadays applies by rabbinic law, this is logical, as he maintains that even with regard to teruma that is in effect only by rabbinic law, we also require the permitted portion of the mixture to be greater in quantity so that it can nullify the forbidden part. But according to Rabbi Yohanan, it is difficult because if he maintains that even nowadays teruma is mandated by Torah law, how can one disregard the concern and permit the mixture based merely on the assumption that the events occurred in a way that preserves the produce in its permitted state?

The Gemara answers that Rabbi Yohanan can say: In accordance with whose opinion is this baraita taught? It is in accordance with the opinion of the Rabbis, who maintain that teruma nowadays is in effect only by rabbinic law.

Notes: The argument of: As I say, is applied in situations when an uncertainty exists as to whether there was ever an intermingling of forbidden and permitted substances, and so there is room to assume that there was never a mixture containing a forbidden substance. The rationale is based on the internal logic of the idea of an established presumption (tosefat). Since the food had a prior presumption of fitness, proof is required to undermine this presumption (see Tosefta). Usually, the Gemara seeks to buttress this rationale with another justification.

Halakha: Two baskets and two se’a – If there were two baskets, one filled with non-sacred produce and the other with teruma, and before them were two one-se’a containers, one filled with non-sacred produce and the other with teruma, and the contents of each container fell into a different basket, it is assumed that the non-sacred produce fell into the basket of non-sacred produce and the teruma into the teruma; even if the non-sacred produce is not greater in quantity than the teruma, in accordance with the opinion of Rabbi Yohanan (Rambam Sefer Zera’im, Halikhot Terumot 13:4; Shulhan Arukh, Yoreh De’ah 111:1).
But I, Rabbi Yohanan, said what I said in accordance with the opinion of Rabbi Yosei that a priest who is a hermaphrodite enables his wife to eat teruma, and Rabbi Yosei himself maintains that even nowadays the halakha of teruma is in effect by Torah law. Accordingly, I argued that a hermaphrodite enables his wife to eat not only teruma, but even the breast and thigh of peace-offerings.

As it is taught in a baraita in the anthology called Seder Olam, with regard to a verse that speaks of the Jewish people’s return to Eretz Yisrael following their exile: “And the Lord your God will bring you into the land that your fathers inherited, and you shall inherit it” (Deuteronomy 30:5). These two expressions of inheritance teach that they had a first inheritance of Eretz Yisrael in the days of Joshua and a second inheritance at the time of the return from the Babylonian exile. That is to say, since the sanctity of the land had lapsed when the First Temple was destroyed and the Jewish people exiled to Babylonia, a second sanctification was necessary when they returned to their land. But they will not have a third inheritance. In other words, it will never be necessary to sanctify the land for a third time, as the second sanctification was permanent.

And Rabbi Yohanan said: Who is the tanna who taught Seder Olam? It is Rabbi Yosei. Since Rabbi Yosei maintains that the second sanctification of Eretz Yisrael never lapsed even after the destruction of the Second Temple, he also holds that teruma nowadays is in effect by Torah law.

The first and second sanctifications – נופה לשדה אסתרא המחק
The nature of the sanctity of Eretz Yisrael in the aftermath of the destruction of the Temple; or, according to certain opinions, following the fall of the kingdom of Israel, is a subject of dispute among the tanna/m and amora/m. The early authorities likewise differ over the halakha in this regard, without reaching a consensus.

The sanctity of the land impacts a variety of halakhot. It is clear that the essential sanctity of Eretz Yisrael as the chosen land is permanent, in that sanctity can rest only on this land. The issue is whether further conditions are necessary for this sanctity to be halakhically relevant. The additional condition might be the existence of the Temple; the presence of a majority of the world’s Jews in the land, or an independent Jewish government. According to many authorities the sanctity of the land for the Sabbatical Year ceased with the cessation of the observance of the Jubilee Year, after the exile from Samaria, which means that even during the Second Temple period the Sabbatical Year was kept only by rabbinic law. The main dispute apparently concerns the status of teruma and tithes. The Rambam maintains that even in this regard the sanctity of the land was rabbinic from the beginning of the Second Temple period, and all the more so after its destruction. However, the Rambam and others assert that the land is sacred by Torah law from the time of the second inheritance (see Yoma Shel Shlomo). There is also a difference between these halakhot and those which govern teruma, the fruit that grows in the first three years after a tree has been planted (orlo), and the prohibition of diverse kinds.
The Gemara raises another objection to Rabbi Yohanan’s opinion: But does Rabbi Yohanan maintain that with regard to a mixture containing an item that is forbidden by rabbinic law, we do not require the permitted portion of the mixture to be greater in quantity so that it can nullify the prohibited part? Did it not teach otherwise in a mishina (Mikvaot 7:2): With regard to a ritual bath that contains exactly forty se’a of water, the minimal measure of a fit ritual bath, and one added to it a se’a of liquid other than water, and then removed from it a se’a of the mixture, the ritual bath remains fit, as the liquid that was added was nullified in the forty se’a of water, so that when one se’a of the mixture was removed there still remained the requisite forty se’a of fit water. And Rabbi Yehuda bar Sheila said that Rabbi Asi said that Rabbi Yohanan said that this halakha applies up to the greater part of the ritual bath.

The Gemara clarifies the opinion of Rabbi Yohanan: What is it not that its greater part must remain, i.e., that most of the original forty se’a of water must remain in the ritual bath? In other words, up to nineteen se’a of other liquids may be added to the ritual bath, with an equal quantity of the mixture then removed from it, and these other liquids are nullified by the ritual bath water. But if twenty se’a are removed, so that fit water no longer constitutes the majority, the ritual bath is no longer fit for use. Since certain liquids are unfit for a ritual bath only by rabbinic law, this shows that even with respect to rabbinic prohibitions the permitted portion of a mixture must be greater in quantity, so that it can nullify the prohibited part. The Gemara refutes this proof: No, it means that its greater part must not be removed, but if the water and other liquids are present in equal proportion, the ritual bath remains fit.

And if you wish, say an alternative explanation of Rabbi Yohanan’s opinion: It is different here, with regard to the case of two baskets, one of which contains teruma, since it may be said: As I say that the teruma fell into the teruma and the non-sacred produce fell into the non-sacred produce, it is therefore assumed that is what actually took place, and therefore the permitted portion need not be the greater part of the mixture.

We learned in the mishina: A hermaphrodite may marry a woman. This formulation indicates that he may do so ab initio, as he is considered a full-fledged male. Accordingly, a hermaphrodite who is a priest should enable his wife to eat the breast and thigh of peace-offerings, as is maintained by Rabbi Yohanan, and against the opinion of Reish Lakish. The Gemara rejects this argument and suggests that the text be emended: Teach in the mishina: If he married. That is to say, if he married a woman, the marriage is valid and a bill of divorce is required, as it is possible that he is a male. But even if he married, he does not enable his wife to eat teruma, as he may be a female.

The Gemara raises a difficulty: But doesn’t the mishina teach that he may marry a woman, which indicates that he may do so ab initio? The Gemara rejects this argument: And according to your reasoning, what is the meaning of the next clause: But he may not be married to a man? This teaching is certainly referring to a case after the fact, as, if he is a full-fledged male there would be no reason to say that he may not be married to a man ab initio. Rather, what is the meaning of: He may not be married to a man? It means that even after the fact the marriage is not valid. This being the case, when the mishina states that a hermaphrodite may marry a woman, it is also speaking after the fact.

It may be said in response: No; the words: May marry, indicate that a hermaphrodite may marry a woman ab initio, whereas the words: But he may not be married, mean that his marriage to a man is not valid even after the fact. Accordingly, the difficulty raised against Reish Lakish remains.
A hermaphrodite is a creature unto himself – a creature separate from both sexes, neither male nor female. If a tumtum or hermaphrodite betrothed a woman or was betrothed by a man, the validity of the betrothal is in doubt and therefore a bill of divorce is required owing to the uncertainty. The halakha is ruled in accordance with Rabbi Yosei’s opinion as recorded in the baraita.

The Gemara challenges this understanding: But from the fact that the mishna teaches in the latter clause: Rabbi Eliezer says that if a man had intercourse with a hermaphrodite, he is liable to receive the punishment of stoning on his account as if he had relations with a male, this proves by inference that the first tanna is uncertain as to whether or not a hermaphrodite is considered a full-fledged male, and this presents a difficulty to Rabbi Yohanan’s opinion.

The Gemara answers: No, it is obvious both to this Master and to that Master that a hermaphrodite is deemed a full-fledged male. The practical difference between them relates to the question of whether one is liable to receive the punishment of stoning for intercourse with him at only one place or at two places. As one Sage, the first tanna, holds that one is liable to be punished with stoning on a hermaphrodite’s account for intercourse at two places, whether he penetrated him anally, in the manner of homosexual intercourse, or through his female organ. Since the hermaphrodite is deemed a male, one is liable to be punished with stoning for relations with a hermaphrodite only if he penetrated him anally, as if he were a male.

Rav said: