

YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

## Hilchos Ta'aruvos Shiur 2

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Mareh Makomos for this shiur

Gemora Avodah Zara 73b זה הכלל

Rashi Chullin 109a V'su starting db'hu nami

Tosefos Chullin 97a Amar Rava (first half)

Gemora Avodah Zara 67a אמר ר' אבהו אמר ר' יוחנן

Tosefos Amar Reb Yochanan

Shach 6

Written by Harav Don Channen  
Contributing Editor R' Aharon Schenkolewski

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# Ta'am K'ikar

## *Siman 98:2 - Ta'am K'ikar*

**In this shiur we will go through the background for seif 2, in the next shiur we will see the halacha.**

### Introduction

We have learned that there are two types of mixtures: *min b'mino* (both the *issur* and the *beter* are the same) and *min b'aino mino* (the *issur* is not the same as the *beter*). We will now see whether 60 is required *mid'oraisa* or *mid'rabbanan*. The *nafka mina* (practical difference) is in the case of a *safek* or as in our *seif* that the food spilled and we do not know if there was 60.

### Min B'mino

Avoda Zara 73b **Rav** and **Shmuel** said, all *issurim* in the *Torah* that got mixed into *mino* are not *batel* even a *mashehu* (the tiniest bit), if they got mixed into *aino mino* they are *batel* if they do not give taste. **Reb Yochanan** and **Raish Lakish** said, all *issurim* excluding *tevel*<sup>1</sup> and *yaiyin nesech*<sup>2</sup> whether they get mixed up in *mino* or *aino mino* are *batel* if they don't give taste.

Menachos 22a The source of their *machlokes* is a *machlokes Tana'im* in *Menachos 22a*. In the *avodah* (priestly service) of Yom Kippur the blood of the *par* (bull) and the blood of the *sair* (goat) that were slaughtered on Yom Kippur were mixed up and then sprinkled on the *mizb'aiach* (altar). We see that even though the blood of the *par* is a greater amount than the blood of a *sair* it is not *batel*. The **Chachamim** learn from here that a *Korban*

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<sup>1</sup> Produce of Eretz Yisarel before tithes were separated.

<sup>2</sup> Wine that was poured to avodah zarah as a sacrifice.

*Olah*<sup>3</sup> is not *batel* one in another. **R' Yehudah** learns from here that all *min b'mino* are not *batel*.

**Rashi** (*Chullin* 109a) holds that the *halacha* is like Rav and Shmuel. **Tosefos** (*Chullin* 97a *Amar Rava*) holds that the *halacha* is like Reb Yochanan and Raish Lakish. However, by *tevel* or *yayin nesech*, everyone agrees even in a *mashehu* is not *batel*.

Most *Rishonim* say like *Tosefos* and that is the *halacha*. Accordingly, the **Ran** says that *mid'oraisa min b'mino* is *batel* in *rov*, however the *Rabbanan* made a *gezeira* (decree) and said that even *min b'mino* needs 60.

## Min B'aino Mino – Ta'am K'ikar

When *issur* gets mixed into *heter*, it is *assur* either because of *mamashos* (the *issur* itself) or because of taste even if the *issur* was removed. This second state is called *ta'am k'ikar* – the taste of *issur* has the *din* of the *issur*.

The **Bais Yosef**<sup>4</sup> says that from the **Rashba** we learn that even if the *issur* itself gets mixed into the *heter*, nonetheless if the *issur* is not tangible or recognizable it has the *din* of *ta'am* and not *mamashos*.

On the issue of *ta'am k'ikar* there are two *Geomoras*.

Pesachim 44b

The *Gemora* brings two sources that *ta'am k'ikar* is *mid'oraisa*.

1. *Bamidbar* 6:3 (*misbras*; soaking), this *pasuke* is dealing with a case that grapes were soaked in water. The taste of the grapes went into the water and now the water is *assur* for a *nazir*<sup>5</sup> to drink because of *ta'am k'ikar*, the water has a *din* (law) of wine.
2. *Bamidbar* 31:22, 23 (*kli Midyan*), this *pasuke* is a commandment from *Hashem* that we must *kashe* the *Midyanites's kailim* (utensils) if we wish to use them for cooking, otherwise the taste absorbed by the *kailim* will *osser* (prohibit) the food because of *ta'am k'ikar*.

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<sup>3</sup> A sacrifice that is brought completely on the *mizbaiach*.

<sup>4</sup> End of 155a, Machon pg. 5

<sup>5</sup> One who takes an oath to abstain from wine and taking a haircut.

Avoda Zara 67a

**Rav Yochanan** said, "If there is taste and *mamashos* it is prohibited and one receives *malkos* (lashes).<sup>6</sup> This is if there is a *k'zayis* (an amount the volume of an olive) within the amount of an *achilas pras* (a half of a loaf of bread).<sup>7</sup> If there is taste without *mamashos* it is prohibited but one does not receive *malkos*."

The *Rishonim* have different opinions how to *paskin*.

**Rashi** (*Chullin* 98b) holds that *ta'am k'ikar* is *mid'rabbanan*, according to this it is enough if the majority of the *ta'aroves* is *heter* in order to *m'vatel* the *issur*. *Rashi* holds that the *Braisa* in *Pesachim* that says that we learn *ta'am k'ikar* from *misbras* means that *misbras* is an *אסמכתא* (a hint in the Torah for a Rabbinic law), and the *pasukim* of *Misbras* and *Kli Midyan* are *שני כתובים הבאים כאחד ואין מלמדים* (any time we have two *pasukim* that say the same thing, they are the exception and we can not learn a general rule from them). *Rashi* will agree that if there is a *k'zayis* of *issur* within the volume of an *achilas pras* it is *assur mid'oraisa*. This is also the opinion of the **Rambam**.

**Rabbainu Tam** (*Avoda Zara* 67a) holds *ta'am k'ikar* is *mid'oraisa*. If *heter* absorbs the taste of *issur*, the *heter* becomes *assur mid'oraisa*. Therefore, if one eats a *k'zayis* he receives *malkos*. *Tosefos* holds that when R' Yochanan said that taste without *mamashos* is only *mid'rabbanan* he was referring to *min b'mino*.

**Rabbainu Chaim** holds that *ta'am k'ikar* is *d'oraisa*. However, one only receives *malkos* if there is a *k'zayis* of *issur* in the volume of an *achilas pras*. He holds that R' Yochanan is speaking about *min b'she'aino mino*.

L'halacha

The **Mechaber** holds like *Rabbainu Tam* as do most *achronim*. This is the *halacha l'ma'aseh* even for *Ashkenazim*. Therefore, if the *issur* is not *batel* in 60 the food is *assur mid'oraisa* as was mentioned above.

If the Chumra Becomes a Kula

The **Pri Megadim**,<sup>8</sup> in his introduction to *Ta'aruvos*, says that the *halacha* is like *Rabbainu Tam* but is in doubt in a case where the result will produce a *kula* (leniency). The *Pri Megadim* says that the *kula* is in a case of a piece of meat that absorbed *issur* and

<sup>6</sup> For transgressing a *lav* the punishment is 39 lashes.

<sup>7</sup> There is a *machlokes Rishonim* as to the volume of an *achilas pras*. According to the **Rambam** it is the volume of three eggs. According to **Rashi** it is the volume of four eggs.

<sup>8</sup> *Chalek* 2, the end of *Perek* 2.

then was cooked with milk. In order to understand the case brought by the *Pri Megadim* we need to make two introductions.

1. We have learned in *basar b'chalav* that if meat is cooked with milk we say *chaticha na'aseh nevaila (Ch'n'n)*. This means that if meat absorbed milk (or cheese absorbs meat) the entire piece has the *din* of a *nevaila* and if it falls into another pot 60 is needed against the entire piece. Regarding *sha'ar issurim (issurim* other than *basar b'chalav*) there is a *machlokes Mechaber* and *Rama*. According to the *Mechaber ch'n'n* only applies by *basar b'chalav* but by *sha'ar issurim* we do not say *ch'n'n*. According to the *Rama ch'n'n* applies even by *sha'ar issurim*. Therefore if a piece of *beter* absorbs *issur* and then falls into another pot, according to the *Mechaber* 60 is only needed against the amount of *issur* that got absorbed, but according to the *Rama* 60 is needed against the whole piece. Even according to the *Rama ch'n'n* by *sha'ar issurim* is only *mid'rabbanan*.
2. The *Pri Megadim* holds that according to the *Shach* (94:4 and 92:10) if either the meat or milk are *assur* (for example the meat is *nevaila*) we do not say *ch'n'n* according to the *Mechaber* and according to the *Rama* it is only *d'rabbanan*.

According to this the *Pri Megadim* says that if we say that *ta'am k'ikar* is *mid'oraisa* then the meat is *assur* before it is cooked with milk. If so, then when it is cooked with milk there is no *din* of *ch'n'n* according to the *Mechaber* since the meat has a *din* of *issur*, and according to the *Rama* it will only be a *din d'rabbanan* and therefore if there is a *safek* for example *nishpash* (see the next *shiur*) we can permit it. However, if *ta'am k'ikar* is *mid'rabbanan* then meat that absorbed *issur* does not have a *din* of *issur*, i.e. the *issur* does not change the meat from *beter* to *issur*. Since the meat is *mutar mid'oraisa* it will have a *din* of *ch'n'n* if cooked with milk and we cannot permit a *safek*.

The *Pri Megadim* here as well as in *Simon 92 (Sifsai Da'as 10)* leaves this as a *safek* in *din*. However, in his introduction to *basar b'chalav* (ד"ה ועוד) he says that the *din* of *ta'am k'ikar* is a *vadai* (definite *din*).

## Defining Min B'mino

Avoda Zara  
66A

There are two ways of defining *min b'mino*: either by taste or by name.

If new wine and grapes are mixed together **Abaya** says it is *assur b'mashehu* and **Rava** says that we decide this case according to taste. *Abayee* holds that since they have the same taste it is called *min mino* therefore it is not *batel* even if there is a *mashehu* of *issur*. *Rava* says since they have the different names it is called *min b'she'aino mino*. Therefore, we should go after taste but in this case there is no discernable taste so 60 is needed.

The *halacha* is like *Rava*: the *shaim* (name) defines the *min*. There is a *machlokes* between the *Rama* and the *Shach* in *pshat* of the *gemora*.

- 1) The **Rama** says that *Rava* holds that in all cases *min b'mino* is defined by name. The *Pri Megadim* (M.Z. 4 and S.D. 6) explains that the *Rama* requires both taste and name to be the same in order to be called *min b'mino*. The *Rama* brings this *din* from the *Bais Yosef* so we can infer that this is also how the *Mechaber* holds. Therefore, by *sha'ar issurim* (excluding *yayin nesech* or *tevel* etc.) if the *issur* and *heter* have both the same name and taste 60 is only needed *mid'rabbanan*.
- 2) The **Shach** (6) explains that *Rava* meant only in the case where the *issur* can *osser heter* beyond 60 (as in *yayin nesech*, *orlah*,<sup>9</sup> *k'layim*,<sup>10</sup> *chametz b'Pesach*, etc.) we define *min b'mino* by name because after 60, taste is not a factor only name is. However, in a case where we *m'vatel* an *issur* if there is 60 against it then we do define *min* by taste. The case that the *Gemora* is talking about is a case of vinegar made from *yayin nesech*, since it is an *issur masbehu* the name defines it.

Min b'aino mino yavaish b'yavaish

The *Shach* concludes with the **Issur V'heter Ha'ruch**. The *Iv"b* says that by *min b'aino mino yavaish b'yavaish* we go after name. The *Shach* explains that this depends on the reason that *min b'aino mino yavaish b'yavaish* is *assur*. According to the *Iv"b* the reason that the *Rabbanan* make a *gezaira* by *min b'aino mino yavaish b'yavaish* is because since they are inherently different and can be somewhat differentiated it is called *nikar* and is *assur*. Therefore, since the reason has nothing to do with taste we go after name. However, he says since most *Rishonim* hold that the reason *min b'aino mino yavaish b'yavaish* is *assur* is because of a *gezaira* maybe they will be cooked together, therefore *min b'aino mino yavaish b'yavaish* is decided by taste.

**We will continue with the halacha in the next shiur.**

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<sup>9</sup> The fruit of the first three years of a tree.

<sup>10</sup> Forbidden mixtures of fruit or vegetable that are grown together.

## Review Questions

- 1) What is the source for *ta'am k'ikar*? Is it *mid'oraisa* or *mid'rabbanan*?
- 2) What is the *halacha* according to the *Mechaber* and *Rama*?
- 3) In which case does the *Pri Megadim* say that *ta'am k'ikar* is perhaps *mid'rabbanan*?
- 4) Is *min b'mino* defined by name or taste? In which cases is there no *machlokes*?
- 5) What is the reason that 60 is needed by *min b'aino mino yavaish b'yavaish*?

## Questions on Shiurim

Question

Does the *din* of *ta'am k'ikar* apply only in food or does it apply even in things I do not eat?

Answer

If fruit juice was mixed with the water in a *mikvah*, we do not say the water of the *mikvah* has the *din* of fruit juice because it tastes like juice. *Ta'am k'ikar* only applies to food. (*Darchai Tshuvah* 98:12)

Question

We were unsure of how one defines taste and name. Are for example all apples the same name or if there are two different types of apples do they have a different name in *halacha*.

Answer

Name is defined by what people call it. Apples of all kinds have one name even though they taste different.