

When bittul be-shishim (nullification 1 in 60) doesn't work - the case of דבר המעמיד - Avodah Zarah 29b, 35a

Bediavad (after the fact), if 2 disparate types of edible ingredients that shouldn't mix somehow become combined (e.g, milk and meat, or something kosher and non-kosher), one can still eat it under certain circumstances so long as the ratio of permissible to prohibited ingredient is 60:1.

The mishnah on Avodah Zarah 29b indicates that this is not the case, however, when it comes to an ingredient that gives a product its form, called a *davar ha-ma'amid*. While the example in the Gemara is non-kosher rennet that curdles milk into cheese, we might also think about gelatin as a good example of a דבר המעמיד today. Any amount of such a non-kosher ingredient renders the whole combination even if the ingredients ratio of at least 60:1. What is the logic behind this? And is it always the case?

Questions? Comments? Email dinanddof@gmail.com

1. משנה עבודה זרה ב:ה

שאל ר' ישמעאל את רבי יהושע כשהיו מהלכין בדרך, אמר לו: מפני מה אסרו גבינות עובדי כוכבים? אמר לו: מפני שמעמידין אותה בקיבה של נבילה.

R. Yishmael asked R. Yehoshua when they were walking on the way. He said to him: Why did they outlaw the cheese of pagans? He responded: Because they curdle cheese in the stomach of unslaughtered animals.

2. עבודה זרה לה.

כיון דאוקמיה קא מוקים, חשיב ליה כמאן דאיתיה לאיסורא בעיניה
since the rennet curdles it, it is considered like an item that contains a substantive prohibited entity.

3. משנה חולין ח:ה

...המעמיד בעור של קבה פשרה, אם יש בנותן טעם, הרי זו אסורה...

...With regard to one who curdled milk by using the skin of the stomach of a kosher animal as a coagulant to make cheese, which may then have the taste of meat cooked in milk, if the measure of the skin is enough to impart flavor to the milk, that cheese is prohibited...

4. רמב"ם משנה תורה הל' מאכלות אסורות ט:טז

אסור להעמיד הגבינה בעור הקבה של שחוטה. ואם העמיד טועם את הגבינה אם יש בה טעם פשר אסורה ואם לאו מתרת. מפני שהמעמיד דבר המתה הוא. שקיבת שחוטה היא. ואין כאן אלא אסור פשר בחלב ששעורו בנותן טעם. אבל המעמיד בעור קיבת נבלה וטרפה ובהמה טמאה הואיל והמעמיד דבר האסור בפני עצמו נאסרה הגבינה משום נבלה לא משום פשר בחלב. ומפני חשש זה אסרו גבינת עכו"ם כמו שביארנו:

It is forbidden to place the skin of a kosher animal's stomach [in milk] to serve as a catalyst for it to harden into cheese. If one used it as a catalyst, [a gentile] should taste the cheese. If it has a taste of meat, it is forbidden. If not, it is permitted. [The rationale is that] the catalyst is itself a permitted entity, for it comes from the stomach of a kosher animal. [The only question] is [whether] the prohibition against meat and milk [was violated] and that is dependent on whether the flavor was imparted.

[Different laws apply, however, when] one uses the skin of the stomach of a *nevelah*, a *treife*, or a non-kosher animal. [The rationale is that] since the catalyst is forbidden in its own right, the cheese becomes forbidden, not because of the prohibition of meat and milk, but because of the prohibition against a *nevelah*. For this reason, [our Sages] forbade cheeses made by gentiles, as we explained.

6. רמב"ם משנה תורה הלכות מאכלות אסורות טז:כו

המַעֲמִיד גְּבִינָה בְּשֶׁרֶף פְּגִי עֶרְלָה. אוּ בְּקִיבַת תְּקַרְבַּת עֶכּוֹ"ם. אוּ בְּחֶמֶץ יֵין שֶׁל עֶכּוֹ"ם. הָרִי זוֹ אֲסוּרָה בְּהִנָּה אֶף עַל פִּי שֶׁהוּא מִין בְּשִׂאֵינוּ מִינּוֹ וְאֶף עַל פִּי שֶׁהוּא כָּל שֶׁהוּא. שֶׁהָרִי הַדָּבָר הָאֲסוּר הוּא הַנֶּכֶר וְהוּא שֶׁעָשָׂה אוֹתָהּ גְּבִינָה:

It is forbidden to benefit from cheese that is made to harden using the syrup of *orlah* fruit that has not ripened, **In his Commentary to the Mishnah (Orlah 1:7), the Rambam states that it is common to use the white syrup that drips from underdeveloped figs as a catalyst to cause cheese to harden. the stomach *I.e., using the renin as a catalyst. of an animal offered as a sacrifice to false divinities, or vinegar made from the wine of a false divinity. Although the forbidden entity is being mixed with a substance of another type and a very small amount is used, [the cheese] is forbidden for [the effect of] the forbidden entity is obvious, for it [caused the milk] to harden into cheese. *See Chapter 3, Halachah 13. In his Commentary to the Mishnah (Avodah Zarah 2:5), the Rambam writes that the laws applying to a catalyst used to make cheese are more severe than those applying to spices and yeast (Halachah 1, for the latter can be nullified when they fall into a substance of another type) for the reason explained above. As the Radbaz explains, even without yeast a dough would be able to be baked and a dish could be served without spices, but without a catalyst, milk would never harden into cheese.*

7. תוספות ע"ז לה. ד"ה מפני שמעמידין אותה בעור קיבת נבלה

וא"ת מאי איריא נבלה אפי' שחוטה נמי אסורה משום בשר בחלב וי"ל דדוקא נקט נבלה דאז איכא בה איסורא דאורייתא אבל בשחוטה משום בשר בחלב ליכא איסורא דאורייתא דצונן בצונן הוא ואע"ג דאוקומי קא מוקים אינו אסור אלא מדרבנן:

And if a carrion is slaughtered, it is forbidden because it is meat with milk, and if a carrion is slaughtered, then there is a prohibition from the Torah, but if it is slaughtered because it is meat with milk, there is a prohibition from the Torah, but if it is slaughtered because it is meat with milk, then there is a prohibition from the Torah, but it is forbidden because it is forbidden. And according to the scholars of the Law, it is not forbidden except by the rabbis:

8. מגיד משנה הל' מאכלות אסורות ג:יג

...ומ"מ יש מן המפרשים ז"ל שפירשו שאין הולכין באיסורין אלו של עכו"ם אחר נתינת טעם שחכמים רצו להרחיק מאכליהם ולא אמרו שיהיה חשש בנותן טעם בדוקא והביאו ראיה לזה וזה דעת הרמב"ן ז"ל והרשב"א ז"ל ולדבריהם הטעמים האחרים קיימים הם זהו דעת הראב"ד ז"ל בהשגות:

...and from the commentary of the late Rabbis, there are those who interpreted that they do not follow these prohibitions of the Akkadians after giving a taste that the Sages wanted to distance their foods from, and they did not say that there would be concern about giving a taste in the Doku, and they brought evidence for this, and this is the opinion of the Ramban, the late Rabbi, and the late Rashba, and according to them, the other tastes exist, and this is the opinion of the late Rabbi, the late Rabbi, in the interpretations:

9. משנה תורה הל' מאכלות אסורות ג:יד

גְּבִינָה שֶׁמַּעֲמִידִין אוֹתָהּ הָעֶכָּו"ם בְּעֶשְׂבִּים אוֹ בְּמֵי פְּרוֹת כְּגוֹן שֶׁרַף הַתְּאֵנִים וְהָרִי הֵן נִפְרִין בְּגִבִּינָה הוֹרִי מְקַצֵּת הַגְּאֹנִים שֶׁהִיא אֲסוּרָה. שֶׁכֶּבֶר גָּזְרוּ עַל כָּל גְּבִינַת הָעֶכָּו"ם בֵּין שֶׁהַעֲמִידוֹת בְּדָבָר אֲסוּר בֵּין שֶׁהַעֲמִידוֹת בְּדָבָר הַמֵּתֵר גְּזֵרָה מְשׁוּם שֶׁמַּעֲמִידִין אוֹתָהּ בְּדָבָר הָאֲסוּר:

[The following laws apply when] cheese is left to solidify with herbs or fruit juice, e.g., fig syrup, and it is apparent [that these substances were used for] the cheese. There are some of the *Geonim* who have ruled that it is forbidden, for [our Sages] already decreed that all the cheeses of gentiles are forbidden, whether they caused them to solidify with a forbidden entity or with a permitted entity. **This is also the Rambam's view. It is quoted by the Shulchan Aruch (Yoreh De'ah 115:2. The Rama states that it is customary to follow this view. The Rama continues, stating that when a Jew observes a gentile milking the cows and making the cheese, it is permitted to partake of it even though the cheese belongs to the gentiles. He continues, stating that even if the Jew does not observe the gentile milking the cow, as long as he observes him making the cheese, the cheese is acceptable after the fact. The Turei Zahav 115:11 and the Sifte Cohen 115:22 quote opinions that differ and maintain that the prohibition should be observed even if a Jew did not observe the milking. This difference of opinion is relevant today, reflecting the difference between chalav Yisrael cheese and ordinary kosher cheese. In both instances, the cheesemaking process is supervised. Chalav Yisrael cheese uses milk that was supervised when milked, while ordinary kosher cheese does not. This is a decree, [instituted] because they cause them to solidify using forbidden entities.*

10. ביצה ה.

וְרַב יוֹסֵף אָמַר: אִם מִתְקַנֶּת רְבֹן יוֹחֲנָן בֶּן זַכַּאי וְאֵילָף — בִּיצָה אֲסוּרָה. מֵאֵי טַעְמָא: הוּי דְּבָר שְׂבִמְנִין, וְכָל דְּבָר שְׂבִמְנִין — צָרִיךְ מְנִין אַחֵר לְהַתִּירוֹ.

And Rav Yosef said: Even from the time of the ordinance of Rabban Yohanan ben Zakkai onward, an egg remains prohibited. The Gemara explains: What is the reason for the opinion of Rav Yosef? It is that the decree prohibiting an egg laid on the first day of Rosh HaShana on the second day of Rosh HaShana is a matter that was established by a vote of the Sanhedrin, after that occasion on which the witnesses failed to arrive on time, and any matter that was established by a vote requires another vote to permit it. A new vote must be taken to render the prohibited item permitted, as the prohibition does not lapse even if the reason for the decree no longer applies.

11. שולחן ערוך יורה דעה פז:יא

אם העמיד גבינה בעור קיבת כשרה יש בה טעם בשר אסורה ואם לאו מותרת אבל המעמיד בעור קיבת נבילה וטריפה ובהמה טמאה אוסר בכל שהוא: הגה משום דדבר האסור בעצמו ומעמיד אפילו באלף לא בטיל (כ"כ ב"י לדעת הרשב"א ור"ן) ודוקא שלא היה שם מעמיד אחר רק האסור אבל אם היה שם ג"כ מעמיד היתר הוי זה וזה גורם ומותר אם איכא ס' נגד האסור (ממשמעות המרדכי) .

When milk is curdled using the skin of a stomach from a permitted animal, it is forbidden if it tastes like meat, and permitted otherwise. But if the stomach comes from a nebelà or terephà animal or an impure animal, even a single atom renders the milk forbidden.

GLOSS: Because any forbidden food used as rennet does not dissolve even among a thousand others. But this only applies when there is only one rennet; if there is another permitted rennet, then there are two active agents and therefore the milk is permitted if it presents a quantity sixty times greater than the forbidden rennet.

12. עבודה זרה מח:

מתני' זורעין תחתיה ירקות בימות הגשמים, אבל לא בימות החמה, והחזירין לא בימות החמה ולא בימות הגשמים. רבי יוסי אומר: אף לא ירקות בימות הגשמים, מפני שהנביה נושרת עליהן והן להן לזבל.

MISHNA: One may plant vegetables underneath an *ashera* during the rainy season, as the vegetables do not benefit from its shade; on the contrary, the tree's foliage prevents the vegetables from being properly irrigated by the rain. But one may not plant vegetables under an *ashera* during the summer, as the shade benefits them. And lettuce may not be planted there at all, neither in the summer nor in the rainy season, because shade is always beneficial to lettuce. Rabbi Yosei says: One may not plant vegetables under an *ashera* even during the rainy season, because the tree's foliage [*shebaneyyya*] falls upon them and serves as fertilizer for them.

גמ' למימרא דרבי יוסי סבר: זה וזה גורם — אסור, ורבנן אמרי: זה וזה גורם — מותר?

GEMARA: The mishna records a dispute between Rabbi Yosei and the Rabbis with regard to planting underneath an *ashera* in the rainy season when vegetables are fertilized by the tree's forbidden fallen foliage. As the plant is also fertilized by the permitted nutrients of the ground, the plant's growth is caused by both prohibited and permitted sources. Therefore, the Gemara asks: Is this to say that Rabbi Yosei holds that when both this and that cause it, i.e., when both permitted and forbidden items contribute to a result, the result is forbidden, and he therefore holds that it is prohibited to plant underneath an *ashera* in the rainy season; and the Rabbis say that when both this and that cause a result, the result is permitted?