

Avodah Zarah 67a-b - טעם כעיקר

Ever accidentally have a drop of milchig (dairy) fall into a large pot of fleishig (meat)? The reason that poses a kashrut question is because of the ruling of טעם כעיקר - the taste is like the food item itself. In this shiur, we will probe that concept - what is its source, and what is its logic? Is its status Biblical or Rabbinic?

Questions? Comments? Email dinanddaf@gmail.com

1. עבודה זרה סז:-

אמר רבי אבהו אמר רבי יוחנן: כל שטעמו ונמשו אסור, לוקין עליו, וזהו קזית בקדי אכילת פרוס.
Rabbi Abbahu says that Rabbi Yohanan says: In any case where the flavor and substance of the forbidden food are perceptible in the mixture, the mixture is forbidden, and one is flogged for consuming it. And it is a tradition that this is the measure for such a case: One who eats an olive-bulk of the forbidden element in the mixture in the time it takes to eat a half-loaf of bread is liable for eating the forbidden food.

טעמו ולא נמשו — אסור, ואין לוקין עליו
if only the flavor of the forbidden food is recognizable in the mixture, but not its substance, as it was completely dissolved into the permitted food, the mixture is forbidden, but one is not flogged for consuming it.

2. זבחים עט.

אמר רבא: אמור רבנן בטעמא, ואמור רבנן ברוחא, ואמור רבנן בחזותא. מין בשאינו מינו – בטעמא, מין במינו – ברוחא, היכא דאיכא חזותא – במראה.

Rava says, in summary of these *halakhot*: The Sages said that the status of an item in a mixture is determined by the taste, i.e., if the taste of one substance is noticeable in a mixture with another substance it is not nullified, and the Sages said that a prohibited item is nullified by the majority, and the Sages also said that the status of an item in a mixture is determined by the appearance, i.e., if the appearance of a substance is recognizable in a mixture it is not nullified. Rava elaborates: With regard to a type of food mixed with food not of its own type, the nullification is determined by the taste. In the case of a type of food mixed with food of its own type, the nullification is determined by the majority. In a case where there is a possibility to determine the status of an item based on appearance, the nullification is by appearance.

3. במדבר ו:א-ג

א וידבר יהוה אל-משה לאמר:

God spoke to Moses, saying:

ב דבר אל-בני ישראל ואמרת אליהם איש או-אשה כי יפלא לנדר נדר נזיר להזיר לי-הוה:
Speak to the Israelites and say to them: If any men or women explicitly utter a nazirite's vow, to set themselves apart for God,

ג מִיֵּין וְשִׁכָּר יִזִּיר חֹמֶץ יֵין וְחֹמֶץ שִׁכָּר לֹא יִשְׁתֶּה וְכָל־מִשְׁרַת עֲנָבִים לֹא יִשְׁתֶּה וְעֲנָבִים לֶחִים וְיֵבֶשִׁים לֹא יֹאכֵל:
they shall abstain from wine and any other intoxicant; they shall not drink vinegar of wine or of any other intoxicant, neither shall they drink anything in which grapes have been steeped, nor eat grapes fresh or dried.

4. ספרי במדבר כג

”וכל משרת ענבים לא ישתה.”
וכי מה הניח הכתוב שלא אמרו?
והרי כבר נאמר, “מיין ושכר יזיר חומץ יין וחומץ שכר לא ישתה,” ומה ת”ל “וכל משרת ענבים לא ישתה”?
מגיד שאם שרה ענבים במים,¹⁷⁷ שהם בנותן טעם.
ומיכן אתה דן לכל איסורים שבתורה: ומה אם היוצא מן הגפן שאין איסורו איסור עולם ואין איסורו איסור הנאה ויש לו היתר לאחר איסור עשה בו טעם כעיקר, שאר איסורים שבתורה שאיסורם איסור עולם ואיסורם איסור הנאה ואין להם היתר אחר איסורם אינו דין שנעשה בו טעם כעיקר?

“He shall not drink anything in which grapes have been steeped.”
Did the text leave anything unsaid? Did it not already say, “He shall abstain from wine and any other intoxicant; he shall not drink vinegar of wine or of any other intoxicant”? What added point is taught by “he shall not drink anything in which grapes have been steeped”?

It teaches that if he soaked grapes in water, then the water is forbidden as soon as it tastes like grapes.

From here one can deduce a general point about all prohibitions in the Torah: If in the case of the ban on grape products for the Nazirite, where the ban was at one point not in effect for this person, where the ban does not include a ban on benefit, and where the ban has a possibility of being lifted in the future, the Torah nonetheless treats *forbidden flavor like the essence of the prohibition itself*, surely with respect to other prohibitions, where the prohibited item [can have been] always in effect, [can include] a ban on benefit, and [might not] have a possibility of being lifted in the future, the Torah also treats *forbidden flavor like the essence of the prohibition itself*!

5. תוספתא תרומות ח:כב

חתיכה אסורה שנתערבה בחתיכות אפילו הן אלף כולן אסורות. הרוטב בנותן טעם אם נמחה ה”ר בנותן טעם.
חתיכה של חטאת שנתערבה במאה חתיכות של חולין וכן פרוסה של לחם הפנים שנתערבה בק’ פרוסות של חולין הרי אלו יעלו, [ר’ יהודה אומר לא יעלו]. חתיכה של חטאת טמאה שנתערבה בק’ חתיכות של חטאת טהורה וכן פרוסה של לחם הפנים [טמא שנתערבה בק’ פרוסות של לחם הפנים] טהור הרי אלו יעלו, רבי יהודה אומר לא יעלו, וכן בחלות תודה טבל ויין נסך מין במינו כל שהוא ושלא במינו בנותן טעם, ושאר כל האיסורים בין במין בין שלא במין בנותן טעם.

A forbidden cut [of meat] that got mixed up with [permitted] cuts, even if they are 1000, they are all forbidden. A sauce that [has the potential to] impart taste -- if it dissolved [among the cuts of meat], behold, it is problematic if it imparts taste. A cut of sin offering [meat] that got mixed up with 100 cuts of chullin [meat] and so too a loaf of showbread that got mixed up with 100 loaves of chullin [bread], behold, these are lifted up (neutralized). Rabbi Yehuda says they are not lifted up. A cut of impure sin-offering that got mixed up with 100 cuts of pure sin-offering, and so too an impure loaf of showbread that got mixed up with 100 loaves of pure showbread, behold these are lifted up. Rabbi Yehuda says, they are not lifted up. And so too with untithed [loaves] of thanksgiving challah (i.e., the priestly portion of dough) or wine of libation: [these are forbidden regardless of the amount] if one kind is mixed with the same kind. But anything that is mixed with something that is not of the same kind, [it is only prohibited if it] imparts taste. **And all other forbidden [mixtures], whether of the same kind or not of the same kind, [they are forbidden if they] impart taste.**

6. משנה חלה ג:ז

העושה עיסה מן החטים ומן האורז, אם יש בה טעם דגן, חייבת בחלה, ויוצא בה אדם ידי חובתו בפסח.
אם אין בה טעם דגן, אינה חייבת בחלה, ואין אדם יוצא¹⁸⁰ בה¹⁸¹ ידי חובתו בפסח.

Dough made out of wheat and rice: If it has the taste of obligated grain, it is obligated in *hallah*, and one fulfills the obligation to eat *matzah* with it; if it does not have the taste of obligated grain, then it is exempt from *hallah*, and one does not fulfill the obligation to eat *matzah* with it.

7. תוספתא חלה ב:א

העושה עיסה מן החטים ומן האורז רבן שמעון בן גמליאל אומר אין חייבת בחלה עד שיהא בדגן כשיעור ואין אדם יוצא בה ידי חובתו בפסח עד שיהא [בה] כשיעור.

If one creates dough from a mixture of wheat and rice flour, according to Rabban Simeon b. Gamaliel, that dough is only subject to the dough-offering if the wheat flour comprises the requisite volume—in this case, five-fourths of a qab. Moreover, an individual can only fulfill their obligation to eat unleavened bread on Passover with this mixture if the wheat flour alone makes up the required volume—an olive's bulk.

8. פסחים מד.-מה.

(א) נזירות:

כדתנא: "משנת" —

that which was taught in a *baraita* elsewhere: Soaked

ליתן טעם קעיקר. שאם נשרה ענבים במים, ויש בהן טעם יין — תיב.

comes to establish the principle that the legal status of the taste of a forbidden food is like that of its substance. This term teaches that any food that absorbs the taste of a prohibited item

assumes the status of this prohibited item itself. As, in a case where one soaked grapes in water and the water has the taste of wine, a nazirite is liable for drinking this mixture, as it assumes the status of wine.

מכאן אתה דן לכל התורה כולה: ומה נזיר שאין איסורו איסור עולם, ואין איסורו הנאה, ויש היתר לאיסורו — עשה בו טעם כעיקר, כלאים, שאיסורו איסור עולם, ואיסורו הנאה, ואין היתר לאיסורו — אינו דין שיעשה טעם כעיקר?...

From here you derive the *halakha* with regard to the entire Torah; in all cases, the legal status of the taste of a forbidden food is like that of its substance. The Gemara elaborates. Just as with regard to a nazirite, whose prohibition against eating grapes is not an eternal prohibition, as he will be permitted to eat grapes once his period of naziriteship is over, and furthermore, his prohibition is not a prohibition against deriving benefit from wine, and there is dissolution for his prohibition against eating grape products by requesting a Sage to release him from his vow, nevertheless, in his case, the Torah rendered the legal status of the taste of food forbidden to him like that of its substance; with regard to a forbidden mixture of diverse kinds, whose prohibition is an eternal prohibition [*issuro issur olam*] and whose prohibition is a prohibition against deriving benefit, and there is no dissolution for its prohibition, is it not right that the Torah should render the legal status of the taste of its forbidden food like that of its substance?...

(ב) בשר בחלב

ורבי עקיבא טעם כעיקר מנא ליה? יליף מבשר בחלב: לאו טעמא בעלמא הוא, ואסור? הכא נמי לא שגא...
And Rabbi Akiva, from where does he derive the principle: The legal status of the taste is like that of the substance itself? He derives this principle from the prohibition of meat cooked in milk. In that case, there is merely the taste of the milk absorbed by the meat, and the mixture is nonetheless forbidden. Here, too, in the case of other prohibitions, it is no different, and the same principle applies...

(ג) גיעולי גוים

אלא יליף מגיעולי גוים: גיעולי גוים, לאו טעמא בעלמא הוא, ואסור? ...
Rather, he derives the principle: The legal status of the taste is like that of the substance itself from the required purging of the vessels of gentiles. In the section of the Torah that deals with the spoils of Midian (Numbers 31:21–24), it states that a vessel used by a gentile to cook food must be purged through fire and purified before it may be used by a Jew. Isn't the purging of vessels of gentiles necessary only to cleanse them from the mere taste that was absorbed through the process of cooking? Even so, these vessels are prohibited if this cleansing was not performed...

(ד) חטאת מקדשת

תניא: "כל אשר יגע בבשרה יקדש וגו'", יכול אפילו לא בלעה? תלמוד לומר: "בבשרה (יקדש)" — עד שיבלע בבשר

As it was taught in a *baraita* with regard to the verse: "Anything that touches in its flesh shall become consecrated" (Leviticus 6:20). I might have thought that non-sacred meat that touched any part of a sin-offering is rendered prohibited even if it did not absorb the taste of the

sin-offering it touched. Therefore, the verse states: In its flesh shall become consecrated, to teach that this meat is not consecrated until the taste of the sin-offering is absorbed within its flesh.

”וְיִקְדָּשׁ” — לְהִיּוֹת כְּמוֹהָ, שְׂאֵם פְּסוּלָהּ הִיא — תִּפְסֹל, וְאִם כְּשִׁירָהּ הִיא — תֵּאָכַל כְּחֶמְדָּהּ שְׂבֵהָ.

The *baraita* continues: Shall become consecrated means that its legal status becomes like that of the sin-offering itself; that is, if the sin-offering is disqualified, this meat will also be disqualified. And if the sin-offering is valid, the meat that touched it may be eaten in accordance with the more stringent standards of a sin-offering as far as when and where it may be eaten.

ה) זרוע בשלה

9. חולין צח.-:

אמר ר' חייא בר אבא אמר ר' יהושע בן לוי משום בר קפרא כל איסורין שבתורה בס' אמר לפניו ר' שמואל בר רב יצחק רבי אתה אומר כן הכי אמר רב אסי אמר ר' יהושע בן לוי משום בר קפרא כל איסורין שבתורה במאה
Rabbi Ḥiyya bar Abba says that Rabbi Yehoshua ben Levi says in the name of bar Kappara: All the forbidden foods in the Torah are nullified when they are mixed with kosher food that is sixty times their volume. Rabbi Shmuel bar Rav Yitzḥak said before Rabbi Ḥiyya bar Abba: My teacher, you say this citing Rabbi Yehoshua ben Levi, who said that bar Kappara said it. But this is what Rav Asi says that Rabbi Yehoshua ben Levi says in the name of bar Kappara: All the forbidden foods in the Torah are nullified when they are mixed with kosher food that is one hundred times their volume.

ושניהם לא למדוה אלא מזרוע בשלה דכתיב (במדבר ו, יט) ולקח הכהן את הזרוע בשלה וגו' ותניא בשלה
The Gemara adds: And both of them learned their principles of nullification only from the term: “Cooked foreleg,” as it is written with regard to the nazirite’s ram: “And the priest shall take the cooked foreleg of the ram” (Numbers 6:19). And it is taught in a *baraita*: The verse states: “Cooked,”

אין בשלה אלא שלימה ר' שמעון בן יוחאי אומר אין בשלה אלא שנתבשלה עם האיל
and the term “cooked” indicates that the verse is referring only to a foreleg that is whole. Rabbi Shimon ben Yoḥai disagrees and says: The term “cooked” indicates that the verse is referring only to a foreleg that is cooked with the entire ram.

דכולי עלמא בהדי איל מבשל לה מר סבר מחתך לה והדר מבשל לה ומר סבר מבשל לה והדר מחתך לה
Everyone agrees that one cooks the foreleg with the rest of the ram. But one Sage holds that one first cuts the foreleg off the animal and then cooks it along with the rest of the animal. And one Sage, Rabbi Shimon bar Yoḥai, holds that one first cooks the entire ram and then cuts off the foreleg.

ואי בעית אימא דכ"ע מחתך לה והדר מבשל לה מיהו מר סבר בהדי איל מבשל לה ומר סבר בקדרה אחרת מבשל לה

And if you wish, say that everyone agrees that one first cuts off the foreleg and then cooks it. But one Sage, Rabbi Shimon bar Yoḥai, holds that one cooks the foreleg with the rest of the ram, and one Sage holds that he cooks the foreleg in another pot, separate from the rest of the ram.

ללישנא קמא אליבא דדברי הכל ללישנא בתרא אליבא דרבי שמעון בן יוחאי

The foreleg of the nazirite's ram is permitted to be eaten only by a priest, whereas the rest of the ram is eaten by the nazirite even if he is not a priest. Consequently, according to the first formulation, all agree that the principle of nullification may be derived from here, since all agree that the foreleg is cooked together with the rest of the ram, and yet it does not cause the rest of the ram to be forbidden to a non-priest. According to the latter formulation, the principle of nullification may be derived from here in accordance with the opinion of Rabbi Shimon ben Yoḥai, who says that the foreleg is cooked together with the rest of the ram. But according to the latter formulation the first *tanna* holds that the foreleg is not cooked with the rest of the ram, in which case the principle of nullification cannot be derived from here.

מאן דאמר בששים סבר בשר ועצמות בהדי בשר ועצמות משערין והוה ליה בששים מאן דאמר במאה סבר בשר בהדי בשר משערין והוה ליה במאה

The Gemara now returns to the dispute about whether non-kosher food is nullified in sixty or one hundred times its volume of kosher food, and explains how each opinion is derived from the *halakha* of the foreleg of the nazirite's ram. The one who said that non-kosher food is nullified in sixty times its volume of kosher food holds that we assess the ratio of meat and bones of the foreleg to the meat and bones of the rest of the ram, and this is a ratio of one to sixty. The one who said that non-kosher food is nullified in one hundred times its volume of kosher food holds that we assess only the volume of the meat of the foreleg to the meat of the rest of the ram, and this is a ratio of one to one hundred.

10. רש"י חולין צח: ד"ה לטעם כעיקר

...ורבא לית ליה טעם כעיקר בחולין כדמפרש ואזיל מדאורייתא ברובא בטיל אלא מדרבנן, והכי נמי שמעינן ליה לר' יוחנן במסכת עבודה זרה (זו.) כל שטעמו ולא ממשו אין לוקין עליו. והא דילפנין ליה בפסחים (מד.) מנזיר ומשרת ליתן טעם כעיקר סבירא להו אמוראי בתראי דאסמכתא בעלמא הוא ולא מילף הוא דהוה להו נזיר וגיעולי עובדי כוכבים ב' כתובין הבאין כאחד, אי נמי גיעולי עובדי כוכבים חדוש הוא כדאמרינן התם ומשרת להיתר מצטרף לאיסור.

...And Rava does not hold that the taste of a food is equivalent to its substance in *chullin* except at a rabbinic level - as is explained that Biblically it is nullified by the majority. And we hear this too from R. Yochanan in Avodah Zarah (67a): if there is only taste but not substance, one does not incur lashes. And that which we learn in Pesachim (44a) from Nazir "and seeped liquid" to teach that taste is equivalent to substance, the later amoraim thought this was merely an *asmachta* (merely a reference for a rabbinically created law) rather than the actual source of the law, as Nazir and purging gentile pots are two verses that teach the same thing (and we do not extrapolate law from such cases); alternatively, purging gentile pots/pans is innovative (and therefore we do not extrapolate law from it generally) as we say there, and "seeped liquid" is

used to teach that permissible and forbidden items are considered together in calculating what someone has eaten (for the purpose of violating the law).

11. רשב"א תורת הבית בית ד' שער א'

ובשם רבנו יצחק ז"ל אמרו דטעמו ולא ממשו דאמר ר' יוחנן דאין לוקין עליו היינו כשאין מממשו של איסור כזית בכדי אכילת פרס הילכך אין לוקין עליו אבל איסורא מיהא איכא דחצי שיעור דאורייתא. אבל טעמו וממשו כגון שיש כזית בכדי אכילת פרס אסור ולוקין עליו. וגם הראב"ד ז"ל כ"כ דטעם כעיקר דאורייתא במין בשאינו מינו ולא אמרו חד בתרי בטיל אלא במין במינו אלא דבמין ושאינו מינו לענין מלקות פעמים לוקה פעמים אינו לוקה כיצד כזית בכדי אכילת פרס כל שאוכל כזית מן האיסור לוקה לדברי הכל פחות מיכן אסור ואין לוקין עליו לדברי הכל

And in the name of Rabbeinu Yitzchak they said that the case of taste without substance about which R. Yochanan said that one does not incur lashes, this is when there is not an "olive's worth" in the time it takes to eat half a loaf of bread. Therefore, one does not incur lashes, but there is still a prohibition, for half the required measurement is still Biblically forbidden. But if there is both taste and substance - e.g., there is an "olive's worth" in the time it takes to eat half a loaf of bread, it is prohibited, and one gets lashes for it. And Ra'avad also wrote that Biblically taste is equivalent to substance in diverse mixtures, and they only ruled that one in two items is nullified in the case of the same species. Yet even in the case of diverse mixtures, regarding lashes, sometimes one gets lashes and other times one does not. How so? If there is an "olive's worth" of prohibited substance eaten in the time it takes to eat half a loaf of bread, anyone who eats an "olive's worth" of the prohibited item gets lashes. But if there's less

12. רא"ש חולין דף צח אות לא

ופירש ר"ת דטעם כעיקר במין בשאינו מינו דאורייתא דכיון שנתן האיסור טעם בהיתר נהפך כולו להיות איסור ולוקין עליו בכזית כאילו הוה כולו איסור. ואפילו לקולא אזלינן בתר טעמא ויוצא בעיסת האורז ידי חובתו כיון שיש בה טעם, ואפילו רובא אורז. וילפינן לה ממשרת או מגיעולי עובדי כוכבים.

And Rabbeinu Tam interpreted taste as the food itself as Biblical in status in a case of diverse mixture, for once the prohibited item imparted taste to the permitted item, the whole mixture is transformed into a prohibited food item, and one gets lashes for eating an "olive's worth" of any of it as though the entirety of it is prohibited food. And we consider taste as definitive even where it leads to leniency, as in the case of fulfilling one's obligation with a dough made mostly of rice because it has taste (of one of the five grains), even though it is mostly rice. And we learn this from the absorption of the pots and pans of pagans (from the war with Midian).

והיה דר' יוחנן כל שטעמו ולא ממשו אין לוקין עליו מיירי במין במינו, וטעמו וממשו דקאמר דלוקין היינו כשהאיסור בעין ומכירו. טעמו ולא ממשו אסור מדרבנן ואין לוקין עליו דמדאורייתא ברובא בטל. והוא הדין אם היה ממש האיסור בעין ולא נימוח רק שאין ניכר אין לוקין עליו כי הוא בטל ברוב. אלא הא קמ"ל דאפילו הכי אסור מדרבנן, והיינו דנקט במין במינו בטעמא אע"ג דלא יהיב טעמא זה בזה משום דבעי למימר טעמו ולא ממשו אסור ועד היכן הוא אסור? בכדי דיהיב טעמו במין בשאינו מינו... והשתא לפסק רבינו תם אם נשפך הרוטב ואינו ידוע אם היה בו ששים הוי ספיקא דאורייתא ואסרינן ליה ולפסק רש"י הוי ספיקא דרבנן ושרי.

And the statement of Rabbi Yochanan: everything that has taste but not the item does not incur lashes, that is a case of a non-diverse mixture, and the case of having both taste and the item itself for which one incurs lashes is when the prohibited item is extant and recognizable. But if there is only taste and not the item itself, this is a rabbinic prohibition, and one does not incur lashes because Biblically it is nullified by the majority. And the ruling would be the same if the prohibited item was extant, i.e., not melted away, but it is not recognizable: there are not lashes for it because it is nullified by the majority.

But here R. Yochanan's statement is teaching us that even so it is rabbinically prohibited. And this is why he used the litmus test of taste even though elements in a non-diverse mixture don't actually impact new taste to each other: because he wanted to state that if there is only taste without the item itself it is prohibited (rabbinically), and only to what ratio? Only if the ratio is such that if it were a diverse mixture, the prohibited element would still impart taste to the permissible element...and now according to the ruling of our Rabbeinu Tam, if the sauce is spilled and it is not known whether there was 60 times its amount in it, it is a doubt in a Biblical matter, and we prohibit it; whereas to the ruling of Rashi, it is a doubt in a rabbinic matter, and it is thus permissible to consume.

13. תוספות חולין צח: ד"ה רבא

והרב רבי יוסף מאורליי"ש היה מפרש דאע"ג דטעם כעיקר דאורייתא לא לקי אטעם אפילו שלא במינו
דברי יוחנן סבר לה כר"ע דיליף טעם כעיקר מגיעולי עובדי כוכבים וליכא אלא עשה דתעבירו באש
דמצריך ליבון והגעלה...

And Rabbi Yosef of Orleans would interpret that even though even Biblically, taste is like the thing itself, one does not receive lashes even on a diverse mixture, for Rabbi Yochanan held like Rabbi Akiva who learned that taste is like the thing itself from the case of pots of idolaters; hence, there is only a positive commandment of "and you shall passe (the pots/pans) through fire," which requires *libun* (=burning/whitening) and *hagalah* (boiling/purging with water).

