

## OVERVIEW of the Daf

### 1) Three dates (cont.)

The rationale for the three dates for tithing animals is explained.

### 2) Clarifying the Mishnah

The use of the term גורן in the context of tithing animals is explained.

The term פרס is clarified.

The Gemara explains the point of dispute between R' Akiva and Ben Azzai.

Ben Azzai's choice of the 29th of Av is explained.

### 3) R' Elazar and R' Shimon

The rationale behind the three dates chosen by R' Elazar and R' Shimon is explained.

### 4) Ben Azzai

Ben Azzai explains in a Baraisa why he maintains that animals born in Elul are tithed by themselves.

This explanation is unsuccessfully challenged.

Another Baraisa that elaborates on Ben Azzai's position is cited.

The novelty of the Baraisa's last statement is identified.

Rava issues a ruling that follows Ben Azzai's opinion.

The necessity for Rava's ruling is explained.

5) **MISHNAH:** The procedure for separating maaser is explained. The consequence of an animal jumping back into the pen is discussed.

### 6) Tithing animals

A Baraisa further elaborates on the process of tithing ani-

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## Distinctive INSIGHT

*The sages are like the peel of a garlic*

בן עזאי אומר כל חכמי ישראל דומין עלי כקליפת השום

A Baraisa quotes a fascinating and puzzling statement which was made by Ben Azzai. He said, "All of the wise men of Yisrael are to me like the peel of a garlic, except for 'the bald one' [referring to Rabbi Akiva]."

In Sefer Asara Ma'amaros, Ram" a of Pa'ano explains that Ben Azzai did not speak improperly. He actually meant to give great honor to the elders of the Jewish people, with R' Akiva as their head. He meant to compliment these spiritual leaders and emphasize how they serve to protect the Torah just as the outer shell of a garlic protects the plant. His reference to R' Akiva as "the bald one" was a direct reference to the verse in Vayikra (13:40) which speaks about tzara's spots, and it states that if one is bald at the back of the head, he is pure. Furthermore, R' Akiva was compared to the garlic itself, which is the essence of the plant, here referring to R' Akiva's being the personification of the Oral Law. Iyun Yaakov also explains that R' Akiva was the embodiment of the oral tradition, as the Gemara in Sanhedrin (86a) attributes the major line of tradition to him. "An unauthored Mishnah is the view of R' Meir, an unauthored Tosefta is the opinion of R' Nechemiah. Sifra was taught by R' Yehuda and Sifrei by R' Shimon. All of these were taught by R' Akiva."

Iyun Yaakov notes that Ben Azzai possessed an exceptionally sharp mind, and many people could not understand the depth of his words. It was only the sages among the nation who were able to decipher his words and transmit them to the nation, and it was only through their intervention that the halacha often rules according to Ben Azzai. Ben Azzai himself recognized this, and he appreciated how the sages defended him and allowed his words to be tasted by the nation. In this regard, the sages protected him, just as a peel protects the garlic.

Ben Yehoyada highlights the point that Ben Azzai illustrated his point using a garlic, whose peel is unusually thin and flimsy, and not any other plant or fruit. He certainly did not speak despairingly about his contemporaries. The sages were critical of Ben Azzai for not marrying and having children. They accused him of not increasing Jewish progeny. His statement was that his colleagues accuse him of being as the peel of a garlic. Ben Azzai pointed out that although garlic increases the seed of a person who eats it, this is not true of its peel, and this is why the sages compared him to the peel of the garlic. Ben Azzai defended himself and claimed that although he did not marry and produce children, his

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## REVIEW and Remember

1. Why did Ben Azzai choose the 29th of Av rather than the 30th of Av?  
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2. Why did Ben Azzai remain uncertain which opinion was correct when he should have decided logically which was more correct?  
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3. What is the procedure for tithing animals?  
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4. What is the point of dispute between Tanna Kamma and R' Yosi the son of R' Yehudah?  
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# HALACHAH Highlight

## Using a friend's talis without permission

ניחא ליה דליתעביד מצוה בממוניה וכו'

He prefers to perform a mitzvah with his property etc.

The Gemara explains that the reason Chazal enacted that people tithe their animals before Yom Tov is so that people will not sell or slaughter their animals until they are tithed and by doing so, animals will be available for those who come to Yerushalayim for Yom Tov. Although the Mishnah teaches that it is permitted for one to sell or slaughter an animal before tithing his animals, nevertheless, there is no reason to be concerned that people will sell or slaughter their animal before Yom Tov thereby diminishing the quantity of animals that are available for those who come to Yerushalayim for Yom Tov. The reason there is no concern is that people prefer to fulfill a mitzvah with their property. Rashi<sup>1</sup> explains that the owner does not lose anything by tithing his animals because only the blood and sacrificial parts are placed on the altar but the rest of the animal is eaten by the owner. Chasam Sofer<sup>2</sup> further explains that ma'aser is different than other korbanos in that the kohen does not receive a portion of the korban and thus the owner is not troubled to fulfill the mitzvah.

Poskim apply the principle that people prefer to perform a

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Torah was productive, and through it many spiritual souls and sparks were created and born. The only one who Ben Azzai felt appreciated his life's work was R' Akiva, who understood Ben Azzai's unique talents. ■

mitzvah with their property to numerous circumstances. For example, Shulchan Aruch<sup>3</sup> rules that it is permitted to wrap oneself in another's talis without even asking permission as long as the "borrower" folds up the talis when he is done. The reason is that it is assumed that the owner does not mind if someone performs a mitzvah with his possessions. Rema<sup>4</sup> adds that one may even borrow a friend's tefillin for the same reason. Aruch HaShulchan<sup>5</sup> observes that in his time people were particular about their possessions and especially when someone has a new talis there is no evidence that indicates that a person is happy when someone uses his talis. Additionally, it is not clear that one could take a friend's talis from the place where he put it away since Shulchan Aruch's ruling may be limited to where the talis is laying in the open in the Beis HaKnesses. For this reason he writes that one must be careful before taking someone else's property without permission. ■

1. רש"י כת"י ד"ה דניחא.
2. שו"ת חת"ס אר"ח סי' ב'.
3. שו"ע אר"ח סי' י"ד סעי' ד'.
4. רמ"א שם.
5. ערוה"ש שם סעי' י"א וי"ב. ■

# STORIES Off the Daf

## Seeking the Laws of Pesach

שואלן ודורשין בהלכות הפסח

The Rebbe of Sanz-Klausenberg, shlit"a, gave a very inspiring talk based on a statement on today's daf. "The Rokeach writes that one should prepare himself with cheshbon hanefesh and teshuvah before fulfilling a mitzvah; he should beg God that he merit to do the mitzvah as is fitting, without feelings of self-aggrandizement. Some would even fast before fulfilling certain mitzvos. The reason for these extra exertions is that a mitzvah done with genuine feeling as it should be makes huge rectifications in the upper worlds. Obviously there are many barriers that block the way of the person who wishes to reach this pinnacle. The least we can do before perform-

ing a mitzvah is to beg God for help.

"Now we can understand why, although it was a printer's decision, every tractate in the Talmud begins with a shaar blatt, a page with a gateway, and then starts on a page marked as number two. Tzaddikim always petition God for help to learn and do mitzvos. They plead with God: 'I know in my heart that I am not as I should be. I have done much wrong. Nevertheless, You God are gracious and merciful. I therefore plead with You to help me serve You in truth.' The first page is the gateway: we enter into the gates of learning Torah lishmah by begging God for His aid. Only after entering this gateway can we begin the actual tractate on page two.

"This is the meaning of the words of our sages in Bechoros 58. There we find that thirty days before the holiday one should begin studying the laws of Pesach, but literally שואלן ודורשין בהלכות הפסח

means to ask about and seek the halachos of Pesach. This indicates our asking God for help. דורשין should also be understood in the context of verse, 'דרשו דרו' — Seek God when He is to be found,' since this alludes to seeking aid from God. When learning hilchos Pesach, we must beseech God for help to avoid the slightest trace of chometz and that we merit to fulfill the many mitzvos of the holiday properly."<sup>1</sup> ■

1. דברי תורה, מצורע, ע"א ■

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mals.

The rationale behind this method is explained.

A Baraisa expounds one of the pesukim related to tithing animals and then presents a dispute whether merely separating one tenth of one's animals designates those animals as maaser.

The Gemara begins to elaborate on R' Yosi the son of R' Yehudah. ■