

OVERVIEW of the Daf

1) Actions

The Gemara asks whether according to R' Yochanan who maintains that bowing is an action, moving one's lips is an action if done in blasphemy.

Rava explains the difference between the two acts.

This explanation is unsuccessfully challenged.

2) Cheilev

A Beraisa presents a dispute concerning liability for eating cheilev.

An explanation of the dispute is suggested.

This explanation is rejected in favor of another explanation.

The Gemara analyzes in depth the point of dispute and the related exchange between R' Yishmael and Rabanan.

Another Beraisa is cited and analyzed, and the possibility that the Beraisa relates to R' Yishmael's opinion is discussed.

A Beraisa discusses liability for eating cheilev of neveilah and cheilev of consecrated animals.

Rava explains the rationale behind Rabanan's opinion.

The exchange between R' Yehudah and Rabanan concerning this matter is recorded.

3) Blood

R' Yehudah and Rabanan dispute how many sets of lashes one receives for eating the blood of a korban.

The exchange between R' Yehudah and Rabanan regarding this matter is recorded.

Tangentially, the Gemara discusses the source that blood and flesh of a sheretz combine.

Ravina teaches that snake blood and flesh combine to make one liable for eating an olive's volume from both.

The novelty of Ravina's teaching is explained.

Rava explains why the Torah mentions kares in reference to blood in three different places.

One of these explanations is successfully challenged and an alternative explanation is presented.

Rava explains why the Torah prohibits blood in five different places.

4) Multiple sets of lashes

R' Ila rules that one who eats ma'aser sheni of grain, wine and oil is liable to three sets of lashes.

This ruling is unsuccessfully challenged. ■

Distinctive INSIGHT

Eating cheilev of a neveilah or from a consecrated animal

גופא אכל חלב נבילה לוקה שתיים חלב מוקדשין לוקה שתיים, רבי יהודה אומר חלב מוקדשין לוקה שלש

A Beraisa cited earlier discussed the halacha of one who eats the forbidden fats (cheilev) of a neveilah or from a consecrated animal. Tanna Kamma ruled that one who eats the cheilev of a neveilah is liable for two sets of lashes, one for eating from a neveilah, and one for eating cheilev. If one eats cheilev of a consecrated animal, he is also liable for two sets of lashes, one for eating cheilev and one for eating from a consecrated animal. R' Yehuda adds liability for a third set of lashes in this case, that being for eating cheilev of a consecrated animal.

R' Shizvi noted to Rava that the opinion of R' Yehuda was understandable, as there are three pesukim which refer to this case. Vayikra 3:17 prohibits eating cheilev and blood from a consecrated animal, Vayikra 7:23 prohibits eating cheilev from any animal, and Vayikra 22:10 prohibits improper eating from any consecrated animal. The Gemara answers that Tanna Kamma holds that whereas the first posuk prohibits cheilev only from a consecrated animal, the second verse only refers to the prohibition against eating cheilev from a non-consecrated animal. This is why Tanna Kamma reports that the person is only liable for two sets of lashes.

Rashi explains that R' Yehuda holds that the first posuk teaches that the person is liable for eating cheilev (from any domesticated animal), and the third verse teaches an additional set of lashes is applied due to the sinner being a non-kohen improperly consuming part of an offering. Shitta Mikubetzes explains that the third posuk adds lashes due to me'ilah, transgressing and benefitting from the property of the Mikdash. This needs to be explained, because R' Yehuda is of the opinion that something which is already prohibited cannot be compounded with another negative commandment—*אין איסור חל על איסור*. This is his view in Chullin 100b, where he does not allow the carcass of a non-kosher bird to be a source of impurity when it is swallowed, because it is already prohibited due to the negative command of being non-kosher. How then, can me'ilah be applied to eating this item as a second sin with its set of lashes in addition to the pre-existing sin of cheilev?

Shitta presents two answers to this question. One is that we find a special posuk *כל חלב* which is interpreted to teach that limbs and parts of a consecrated animal may have me'ilah apply to them. Alternatively, Shitta suggests that me'ilah is a relatively severe prohibition, in that cheilev is limited to domesticated animals, and it does not apply to a non-domesticated animal (חיה), so we can say that me'ilah and lashes for its violation can apply in addition to the sin of cheilev. ■

*Today's Daf Digest is dedicated in honor of the anniversary of
 Rabbi and Mrs. Yosef Heinemann*

Cleveland, Ohio

*Today's Daf Digest is dedicated in memory of
 Matilda Massel, Mesuda bat Moshe
 on her yahrzeit, by her loving family
 Elihu, Morris and Caroline, Richard and Tracy Massel*

*May her neshama go higher and higher and be a continuing source
 of inspiration*

HALACHA Highlight

Does testimony involve an action?

יצאו עדים זוממין שאין בהן מעשה

Excluded are **עדים זוממים** that does not involve an action

R' Zeira in our Gemara notes that **עדים זוממים** is unique in that it does not involve an activity (אין בו מעשה). Tumim¹ cites this principle and applies it to qualify a well-known position of Rabbeinu Tam. Rabbeinu Tam² maintains that witnesses may write down their testimony and that written testimony is acceptable testimony. The restriction of **מפיהם ולא מפי כתבם** – from their mouth and not from their written notes refers to one who no longer remembers what happened or someone who is mute and is incapable of testifying orally. Someone who does remember what occurred and is physically capable of testifying orally may submit his testimony in writing as well. Tumim asserts that the allowance to accept written testimony is limited to monetary cases rather than cases involving a person's life. The reason this must be so is that if it were possible for witnesses to submit their testimony in writing in a capital case we would find an instance in which **עדים זוממים** transgressed the prohibition with an action and R' Zeira taught that a unique feature of **עדים זוממים** is that their transgression does not involve an action.

Minchas Chinuch³ rejects Tumim's conclusion about this matter. The rationale behind the Gemara's teaching is that testimony is a function of **ראייה** – seeing. In other words, the

REVIEW and Remember

1. What is the point of dispute between R' Yishmael and Raba-nan ?
2. Why was it necessary for the Torah to mention the sacrificial parts of different animals separately ?
3. What is the punishment for consuming blood from a korban ?
4. Why was it necessary for the Torah to mention the prohibition against consuming blood five times ?

primary component of testimony is not the transmission of the testimony; rather it was the witnessing of the event about which they are testifying. Since that is the primary part of their testimony and that part does not involve an action it would not matter whether they recorded their testimony and submitted it in writing to Beis Din – it would still be considered to be a transgression that does not involve an action. Accordingly, even if Rabbeinu Tam includes capital cases in his ruling, testimony would not be considered a **מעשה** – an activity. ■

¹ תומים סיי כ"ח ס"ק ט"ו.

² תוס' יבמות ל"א: ד"ה דחזו.

³ מנחת חינוך מצוה ל"ז אות ב'. ■

STORIES off the Daf

The Honor of Avodas Hashem

"שלוש כריתות..."

Today's daf continues to discuss various sins that are punishable by kares.

Rabeinu Yonah writes that there are two types of kares. Those who eat forbidden fats and blood or who consumes chometz on Pesach or do forbidden labor on Yom Kippur are among those who are only cut off in this world. Those who disgrace the Torah or the sages, or even one who disgraces a person who loves the Torah, are included

in the more serious group who are cut off both in this world and the next.

The Meshivas Nefesh on Shaarei Teshuvah makes a striking point well worth repeating. "Most people would never consider doing a sin which is well known to be punishable by kares. Yet the sins which impart the more serious kares are violated without a second thought."¹

Many people would not consider shaming one who learns Torah and is considered a great scholar. But to their mindset, humiliating a person who learns in Kollel can be done without any problem at all. They reason that since they feel certain that this young man isn't a true talmid chacham, his Torah can be disparaged with impunity.

The Meshivas Nefesh points out that Rabeinu Yonah clearly disagrees. "Rabeinu Yonah writes that one who shames a talmid chacham or his yir'as shamayim shows through his actions that serving God is not the main purpose of our existence."² Clearly one who shames a person who learns, but is not yet a scholar, is also guilty of demonstrating through his actions that avodas Hashem is not important to him."³ ■

¹ שערי תשובה, שער ג', אות קכ"א-קכ"ב, משיבת נפש על אות קכ"ב, אות א'

² שם, אות קמ"ח

³ משיבת נפש שם, אות ג' ■