



OVERVIEW of the Daf

1) Tovel of ma'aser (cont.)

R' Yosef completes his assertion that there is a dispute between Tannaim whether one receives lashes for eating tovel of ma'aser ani.

Abaye rejects this assertion.

2) The quantity of tovel one must eat to receive lashes

R' Bibi in the name of Reish Lakish offers one explanation of the dispute in the Mishnah regarding the quantity of tovel one must eat to receive lashes.

R' Yirmiyah suggests another version of Reish Lakish's explanation of the dispute in the Mishnah.

An unsuccessful attempt is made to prove R' Yirmiyah's explanation.

A Beraisa is cited that supports R' Yirmiyah's explanation.

3) **MISHNAH:** The Mishnah enumerates additional prohibitions that carry the punishment of lashes.

4) Lashes for eating bikkurim before the pesukim are read

Rabba bar bar Chana in the name of R' Yochanan asserts that the Mishnah's ruling that one receives lashes for eating bikkurim before the pesukim are read follows the position of R' Akiva.

The Gemara explains why R' Yochanan mentioned R' Akiva rather than R' Shimon.

R' Shimon's related exposition is presented in a Beraisa.

Rava praises R' Shimon's exposition even though there are refutations.

Rava identifies the refutations against R' Shimon's exposition.

Given all these refutations the Gemara has to explain why

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REVIEW and Remember

1. According to Abaye, what is the point of dispute between R' Eliezer and Rabanan?

2. According to Chachamim, what is the essential part of the bikkurim ceremony?

3. How did Rava express praise of R' Shimon?

4. Being that Rava disagreed with R' Shimon, why did he praise him as he did?

Distinctive INSIGHT

Bikkurim is more strict than ma'aser

מאי חומרא דביכורים ממעשר שכן אסורים לזרים

The Gemara cites a Beraisa in which R' Shimon presents an elaborate discussion in which we find that the Torah prohibits eating of bikkurim before the requisite verses are recited (לפני קריאה). The presentation is based upon the verse in Devarim (12:17), where the Torah forbids the consumption of various holy items "in your gates." In other words, these items must be eaten only in Yerushalayim, and some only in the Beis HaMikdash.

The approach of R' Shimon is that once the Torah establishes that ma'aser sheni must be eaten only in Yerushalayim, it should be obvious, based upon a קל וחומר which he presents, that the other items also be eaten only in Yerushalayim. These items are bikkurim, todah and shelamim offerings, bechor, chattas and olah. It follows, therefore that the lesson of the verse is coming in each case to teach a more advanced halacha. In the case of bikkurim, it is to teach that one must not only eat the bikkurim in Yerushalayim, but also that these fruits must only be eaten after the וידוי מעשר is recited.

From the Gemara, we see that R' Shimon holds that bikkurim is more strict than ma'aser in that ma'aser may be eaten by any Jewish person, whereas bikkurim is only permitted for kohanim. Pnei Yehoshua notes that this factor should easily be shown to be irrelevant in terms of whether something must be eaten in Yerushalayim, as teruma is only permitted for kohanim, yet it may be eaten anywhere. Accordingly, the fact that bikkurim is limited to be eaten only by kohanim should have no bearing on whether it should be eaten in Yerushalayim or not. What, then, is the mechanism of the lesson of R' Shimon?

Pnei Yehoshua explains that it must be that teruma is not to be brought into this equation at all. Both bikkurim and ma'aser share some limitations, with bikkurim needing a declaration of the וידוי ביכורים, and ma'aser needing to be brought to Yerushalayim. The relative strength of these factors leads us to compare them. Teruma does not have any of these special features, so it is in a category of its own. Pnei Yehoshua also answers that because we find explicitly that teruma may be eaten anywhere, there is no meaning to judging whether or not it is strict in regard to being eaten outside the walls of Yerushalayim. As Tosafos (Pesachim 36b) notes, if teruma does not need to be brought into Yerushalayim, it would not be prohibited to be taken outside the walls of Yerushalayim. ■

HALACHAH Highlight

Consuming small quantities of prohibited foods for medicinal purposes

ר' שמעון אומר כל שהוא למכות וכו'

R' Shimon says that to receive lashes one is only required to consume the slightest amount

Shulchan Aruch¹ rules that when one's health is in danger it is permitted for one to consume prohibited foods even in their normal manner of consumption. If one's health is not in danger it is prohibited. Teshuvos Ha'elef L'cha Shlomo² was asked to advise someone who was experiencing pain, although not life threatening, and the doctors recommended that he drink fish oil from a non-kosher fish. He advised the patient to drink portions smaller than a revi'is with interruptions of כדי אכילת פרס between each drink. Even though one is not permitted to consume even a partial measure of something that is prohibited, that prohibition is treated more leniently than a Rabbinic prohibition. As such, just as one who is not deathly ill is permitted to consume something that is Rabbinically prohibited for medicinal reasons, so too one is permitted to consume a partial measure of a prohibited food for medicinal purposes. Later authorities, however, point out that Magid Mishnah³ holds that a partial measure is treated more stringently than Rabbinically prohibited food and therefore the basis of Ha'elef L'cha Shlomo's leniency is undermined.

Teshuvos Maharash Engel⁴ suggested another reason for

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Rava praised R' Shimon's exposition.

R' Shimon's position that one could establish prohibitions based on a kal v'chomer is challenged.

It is suggested that all the pasuk teaches is that there is a prohibition but not one that is punishable with lashes.

This explanation is challenged. ■

leniency. The reason the Torah prohibited consuming a partial measure is that by doing so one demonstrates that this small measure is important and thus qualifies as eating. Someone who consumes something due to illness does not demonstrate the food is important and thus since the quantity is so small it is not considered as though he ate anything. He bases this approach on the commentary of Ritva⁵ to our Gemara. Ritva explains that according to R' Shimon one receives lashes for consuming the slightest amount of prohibited foods since by eating that amount one invests importance in that quantity. Although Chachamim disagree with R' Shimon's ruling they agree with his underlying rationale that a partial measure is prohibited because it shows an importance given to the small quantity. Therefore, if there is another reason why a person is consuming the prohibited food in such a small quantity it does not demonstrate the food's importance and the prohibition is not violated. ■

1. שו"ע יו"ד סי' קנ"ה סעי' ג'.
2. שו"ת האלף לך שלמה יו"ד סי' ר"ב.
3. מגיד משנה פ"ב מהל' שביתת עשור ה"ג.
4. שו"ת מהר"ש ענגיל ח"ה סי' ל"א ורח"ח סי' י"ב.
5. ריטב"א לסוגיין ד"ה ר' שמעון. ■

STORIES Off the Daf

A worthy guest

"ואם לאו לא תלד..."

Once, Rav Levi Yitzchak of Berdichev, zt"l, paid a visit to the Maharam, who was the Av Beis Din of Pressburg. The Maharam was deeply involved with a question he had on Tosafos which perplexed him greatly. When the Berditchever Rav entered the Maharam's home, the host asked his guest if he could learn.

Rav Levi Yitzchak answered, "Perhaps if I led a peaceful existence like the rav of Pressburg and I ate as he did, I could also learn."

The rav immediately rushed to bring food and drink to Rav Levi Yitzchak, who refrained from eating anything. After a while of puzzling over the Tosafos, the Rav

noticed that Rav Levi Yitzchak had not yet eaten and asked him to explain why.

Rav Levi Yitzchak answered, "The Gemara tells us that before one makes a brochah, the food is not really his. It is only after the brochah that he acquires ownership over the food. How can you give guests food you have not yet acquired and expect them to partake of it?"

The Rav of Pressburg immediately made a brochah and ate, and Rav Levi Yitzchak then did likewise. When the rav asked him again if he could learn, Rav Levi Yitzchak said, "If I am told a devar Torah I can understand. Let the rav tell me something..."

The Maharam told him his question and Rav Levi Yitzchak began reciting Tehillim in a very loud voice and was so filled with dveikus that he literally rolled under the table. When he finished the mizmor, he immediately told the rav a very

beautiful explanation of Tosafos.

The Maharam was impressed, so he asked another question. "I see that you are a holy man who understands, so I will ask you something else. In Makkos 17 we find that Rava says that a woman should daven to have children like Rav Shimon and if not, better that she should not give birth. What can this possibly mean?"

Rav Levi Yitzchak responded immediately, "We find that the verse says, 'ולשם ילד גם הוא'. This means that like Noach, Shem is considered to have given birth to himself due to his many good deeds. This is a genuine birth, since the person fulfilled his mission on earth. Similarly, a woman should pray that she have children that are so meritorious that—like Rabbi Shimon—it is as if they gave birth to themselves. And if they don't, the children will not merit this level of birth."¹ ■

1. סיפורי חסידים, ח"א, ע' 34 ■