



OVERVIEW of the Daf

1) Lashes for eating bikkurim before the verses are read (cont.)

An alternative explanation for R' Shimon is offered to explain how he could establish a prohibition based on a kal v'chomer.

2) Multiple violations for one act of eating

Rava states that a non-kohen who eats from an Olah before the throwing of the blood, outside of the Beis Hamikdash, is liable, according to R' Shimon, to five sets of lashes.

Other prohibitions that are violated are mentioned and the Gemara clarifies that Rava meant five prohibitions from a particular verse.

3) Lashes for eating a korban before its blood is thrown

R' Gidal in the name of Rav rules that a kohen who eats from a Chatas or Asham before the blood is thrown receives lashes.

Rava challenges the premise that one receives lashes for a prohibition implied by a positive command.

The challenge is accepted and the statement of R' Gidal in the name of Rav is revised.

4) Lashes for eating bikkurim before the verses are read (cont.)

R' Elazar in the name of R' Oshaya asserts that placement of the bikkurim is essential but reading the associated verses is not essential.

The Gemara unsuccessfully challenges whether R' Elazar issued this statement.

R' Acha bar Yaakov attributes this ruling to R' Yochan-

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REVIEW and Remember

1. How many sets of lashes does a non-Kohen receive for eating an Olah, outside of Yerushalayim, before the blood is thrown?
2. What acts are included in the prohibition of **ובשר בשדה** **טרפה לא תאכלו**?
3. What is a **הבא מכלל עשה**?
4. What is the point of dispute between R' Yehudah and Rabanan concerning bikkurim?

Distinctive INSIGHT

Establishing a prohibition for each act

לכתוב רחמנא לא תוכל לאכלם, מיהדר מפרש בהו רחמנא למה לי? אלא ליחודי להו לאוי לכל חד וחד

The verse (Devarim 12:6) provides a full list of holy items and commands that they must be consumed only in Yerushalayim. Later, in verse 17, the Torah forbids these items to be eaten, as it provides a complete list of the items which may not be eaten “in your gates.” Rava (17b) taught that according to the opinion of R' Shimon, if a non-kohen would eat meat from an olah before the blood of the offering was sprinkled, and he would eat it outside the walls of Yerushalayim, he would be liable for five sets of lashes. Rava is the one who pointed out that the lessons of R' Shimon were faulty. The Gemara also noted that even if the relative strictness and leniencies which R' Shimon presented were accurate, we still cannot establish new halachos of what is prohibited based upon logical arguments

(אין מזהירים מן הדין). How, then, could five sets of lashes be appropriate according to R' Shimon in the case which Rava presented?

Our Gemara answers that these Torah prohibitions are derived from the specific extra references to each holy item listed in verse 17. The verse could have simply written, “לא תוכל לאכלם—Do not eat them,” which would have adequately referred back to the items listed earlier in verse 6, where we were told that these items must be eaten in Yerushalayim. The Torah’s repetition of each item therefore ascribes a specific negative commandment to the various levels of violation determined by R' Shimon.

Rashi points out that there is a category of prohibitions known as **לאו שבכללות**. When a particular phrase in a verse is determined to teach many different prohibitions, each of which falls under the umbrella phrase in the verse, the rule is that none of these prohibitions is liable for lashes. Rashi notes, however, that even had the verse stated “לא תוכל לאכלם,” the various prohibitions derived by R' Shimon would not be limited by the rule of **לאו שבכללות**. The reason is that even had verse 17 used the pronoun “them,” this would have been a direct reference to each item listed earlier in verse 6. This is not a situation of many things being learned from one phrase, but rather many itemized things being referred to with one pronoun. Each prohibition, as elucidated by R' Shimon, is therefore deserving of its own set of lashes. ■

HALACHAH Highlight

Receiving lashes for ona'as devarim

ולילקי נמי משום "ובשר בשדה טרפה לא תאכלו"

He should also receive lashes for, "and meat in the field, torn, you may not eat."

Tosafos¹ discusses why the prohibition against eating kodshei kodashim outside of the Azarah is not a לאו – one of many prohibitions derived from the same pasuk, for which one does not receive lashes. Chofetz Chaim² writes that one who causes his friend pain with his words and verbally exploits him violates the prohibition of (Vayikra 25:17) לא תונו איש את עמיתו – A man shall not exploit his friend. Teshuvos Bris Yaakov³ explores the question of whether one is subject to מכת מרדות – Rabbinically mandated lashes, for violating a לאו שבכללות. He cites as proof that there is lashes for such a violation from a comment of Mordechai. Mordechai⁴ writes that one who verbally exploits another receives lashes since he violated the prohibition of לא תונו איש את עמיתו. Beis Yosef⁵ challenges this ruling since verbally exploiting someone does not involve an action and one does not receive lashes for violating a prohibition that does not involve an action. Beis Yosef suggests that perhaps the intent of Mordechai is that the violator receives מכת מרדות. The prohibition of אונאת דברים is not only a prohibition that does not involve an action but it is also a לאו שבכללות. From Beis Yosef's explanation of Mordechai it would seem that מכת לאו שבכללות would be given even for a לאו שבכללות.

Sefer Panim B'mishpat⁶ offers an alternative explanation of Mordechai's ruling. He asserts that according to Mordechai one is Biblically deserving of lashes for violating the prohibition of אונאת דברים. The basis of this is found in Magid

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an and then proceeds to note a contradiction between two rulings of R' Yochanan regarding the question of whether the reading of the verses or the placement of the bikkurim is essential.

The contradictions are resolved by differentiating between the positions of different Tannaim.

The related position of R' Yehudah is cited.

The one who disputes R' Yehudah is identified as R' Eliezer ben Yaakov and the rationale behind his position is explained. ■

Mishnah⁷ who explains that one receives lashes for muzzling an animal by shouting at it, even though using one's voice does not constitute an action, since the prohibition could also be violated by physically muzzling the animal. Similarly, since the prohibition against אונאת דברים could be violated through an action, any violation of the prohibition will carry the punishment of lashes. Where do we find that one could violate the prohibition of אונאת דברים with an action? When one tells donkey drivers that they could find food for their animals at a certain location knowing fully well that there is none there, one is considered to have actively violated the prohibition of אונאת דברים since the donkey drivers acted according to your words⁸. ■

1. תוס' ד"ה ולילקי משום ובשר.
2. חפץ חיים במ"ח פתיחה סוף לאוין.
3. שו"ת ברית יעקב או"ח סי' י"ט ד"ה על דבר.
4. מרדכי ב"מ רמז ש"ו.
5. בית יוסף חו"מ סוף סי' א'.
6. ספר פנים במשפט חו"מ סי' א' אות ז'.
7. מגיש משנה פ"י"ג מהלי שכירות ה"ב.
8. ע' תוס' ב"מ ז': ד"ה ר' יוחנן דמעשה שנעשה ע"י דיבורו נחשב למעשהו. ■

STORIES Off the Daf

"Walk humbly with Hashem, your God"

"ובשר בשדה טרפה לא תאכלו..."

Once, Reb Avraham Yossel the baker, z"l, journeyed to the tisch of the Divrei Shmuel of Slonim, zt"l. When he returned, Rav Modiner, zt"l, asked him to tell him something inspiring he had heard at the tisch.

The baker answered, "The Rebbe brought the verse, 'והצנע לכת עם ה' אלוקיך' — Walk humbly with Hashem your God.' He explained: 'One who does something

modestly, he may be sure that he is walking with Hashem with that action. But if one acts in public, most likely this act was not done for Hashem at all.'"

Rav Modiner was so inspired that he would ask Reb Avraham Yossel to repeat this over for him from time to time. He explained that he felt that this simple sounding vort had a deep soul connection with him, despite his high level.¹

Interestingly, the Yitav Panim, learns a similar concept from today's daf. "One must be very careful to always do whatever possible in private, as the verse states: 'והצנע לכת עם ה' אלוקיך' since when one acts in private it is much easier to act with

his thoughts purely on Hashem. But what one does in public is very difficult to protect from insidious thoughts of pride or self-aggrandizement.

"This is hinted to in Makkos 18. There we find that meat found in a field is treif. This can also be understood to mean that when a man of flesh and blood acts in public, his actions are usually treif. Such actions cannot become one with Hashem, since they are thrown to the dog of arrogance instead and require an abundance of teshuvah before they can be rectified."² ■

1. בסעודת הילולה—י"א חשון, תשמ"ג
2. ייטב פנים, סוכות ■