



OVERVIEW of the Daf

1) Lashes for a kares transgression (cont.)

Ravina returns to the Gemara's initial understanding of R' Akiva and resolves what was perceived as a challenge to that explanation.

The position of R' Yitzchok is explained.

The exchange between R' Yitzchok and Rabanan, meaning R' Yishmael and R' Akiva, is recorded.

2) Entering the Mikdash and eating sacrificial food while tamei

The Gemara inquires about the source for the warning against eating sacrificial food while tamei.

Reish Lakish offers one source and R' Yochanan suggests another.

The exchange between Reish Lakish and R' Yochanan concerning their respective sources is recorded.

It is explained how Reish Lakish derives the warning against touching and eating sacrificial food while tamei from the same pasuk.

Another unsuccessful challenge to this exposition is presented.

A Beraisa that supports Reish Lakish's position is recorded. ■

REVIEW and Remember

1. What is the point of dispute between R' Yitzchok and the other Chachamim?

2. How is it possible for a woman to be one's sister, his father's sister and his mother's sister?

3. What is the Torah's warning against eating sacrificial food while tamei?

4. What prohibition is derived from the phrase **בכל קדש לא תגע**?

Distinctive INSIGHT

We have a Beraisa according to Reish Lakish...

תניא כוותיה דריש לקיש וכו'

Our Gemara presents the disagreement between Reish Lakish and R' Yochanan regarding identifying the source for the negative commandment that it is prohibited for an impure person to eat from an offering (קדשים). Reish Lakish explains that this prohibition is derived from the verse in Vayikra (12:4) which states, "בכל קדש לא תגע"—she shall not touch items that are holy." R' Yochanan learns this halacha from a גזירה שוה between the word "וטומאתו" found in Bemidbar 19:17, which discusses the halacha of entering the Beis HaMikdash while impure, and Vayikra 7:20, which deals with the punishment for an impure person who eats from an offering.

Rambam (הל' פסולי המוקדשין י"ח:י"ג) rules according to the opinion of Reish Lakish, that the source for this halacha is the verse of "בכל קדש לא תגע." Kesef Mishna notes that the general rule is that the halacha is according to R' Yochanan in any dispute between him and Reish Lakish; Rambam rules according to Reish Lakish in this case because the sugya concludes with citing a Beraisa which concurs with the opinion of Reish Lakish.

Lechem Mishneh (to Hilchos Sanhedrin 11:1) points out that as we have seen, Rambam rules according to Reish Lakish, regarding the source for the halacha of an impure person eating from an offering. Yet, Rambam (הל' פסולי המוקדשין י"ח:י"ב) rules that an impure person who touches an offering (טמא שנגע בקדש) does not get lashes, and Rambam also rules (ibid., Halacha 16) that an impure person who eats from an offering before the sprinkling of its blood on the altar does not receive lashes. Both of these rulings are in accordance with R' Yochanan's manner of understanding the verses. According to Reish Lakish, lashes would be administered in both of these cases. Lechem Mishneh explains that even though Rambam rules according to Reish Lakish, he also recognizes that the halacha follows R' Yochanan, and that we must resolve the Beraisa even according to R' Yochanan's view. Therefore, we say that although we have a source that it is prohibited for an impure person merely to touch a piece of an offering, and that this is learned from the verse of "בכל קדש לא תגע," still, the verse mainly teaches that an impure person should not eat from an offering, and the reference to touching is only indicated from the wording of the verse. Therefore, touching is prohibited, but there are no lashes for this infraction.

Furthermore, the prohibition of eating indicated in the verse of "בכל קדש לא תגע" is determined from its association

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HALACHAH Highlight

Is a Torah scholar permitted to perform a melacha in public for the sake of a mitzvah?

שהלכו ליקח בהמה למשתה בנו של ר' גמליאל

Who went to purchase an animal for the wedding of R' Gamliel's son

The Gemara Kiddushin (70a) records Shmuel's teaching that once a person is appointed "parnes" over the community he may no longer perform melacha in the presence of three people. Maharshah¹ clarifies that Shmuel was not referring to lay leaders of the community; the reference is to Torah scholars who serve as dayanim for the community. Sefer Be'er Yaakov² asserts that melacha for the sake of a mitzvah, for example, building a sukkah, may be done in the presence of three people. One proof to his assertion is based on the Mishnah that is quoted in our Gemara. R' Akiva discusses the question he posed to R' Gamliel and R' Yehoshua as they were on their way to the meat market to purchase meat for R' Gamliel's son's wedding. Why was R' Gamliel permitted to go to the meat market to purchase meat? There would certainly be at least three people present and it would be unreasonable to assume that he wasn't yet the Nasi at the time of the story. It must be that for the sake of performing a mitzvah a dayan may do melacha in the presence of three people. The rationale be-

(Insight...continued from page 1)

with the following phrase of "ואל המקדש לא תבוא" which is a case of כרת. Eating before the sprinkling of the blood does not receive כרת (see Menachos 25b), so we see that this halacha and its lashes only apply after the sprinkling of the blood. ■

hind this approach is based on the wording found in Shulchan Aruch. Shulchan Aruch³ writes that performing melacha is prohibited so that he will not be demeaned in the eyes of those who see him. When the melacha involves the performance of a mitzvah there is no concern that the dayan will become demeaned in the eyes of others.

Sefer Alfei Menashe⁴ rejects the proof from the Mishnah. Even if we were to accept the premise that a dayan may perform a melacha in public for the sake of a mitzvah there is no mitzvah, per se, to purchase meat for one's son's wedding. Furthermore, the restriction is limited to the performance of melacha in public but going to a store to purchase something is not included in the prohibition. As such, R' Gamliel was engaged in a perfectly permitted activity and one cannot cite this as evidence that a dayan may perform a melacha for the sake of fulfilling a mitzvah. ■

1. יש"ש קידושין פ"ד סי' ד'.
2. ספר באר יעקב על חו"מ סי' ח' סעי' ד'.
3. שו"ע חו"מ סי' ח' סעי' ד'.
4. ספר אלפי מנשה על שו"ע הנ"ל. ■

STORIES Off the Daf

Using every moment

"באיטליז של עמאום שהלכו ליקח בהמה למשתה..."

On today's daf we find that Rabbi Akiva spoke with Rabban Gamliel and Rabbi Yehoshua in learning while the three of them were at the butcher to purchase an animal for the marriage of Rabban Gamliel's son. Tosafos explains that the gemara mentions the circumstances surrounding the conversation to recount their praise. Even while they were busy with the preparations for Rabban Gamliel's son's upcoming wedding, they used every available instant to learn.¹

Rav Chaim Palagi, zt"l, wrote in his last will and testament to his children: "I call the heaven and earth to bear witness that from the time I was mature until I

was twenty years old, I never wasted an instant on frivolous pursuits. My every available moment was taken up with learning Torah with diligence. From twenty until forty I had to support my children, so I worked as an agent for various lucrative businesses. Nevertheless, during every second that I was not otherwise occupied, I used to review my learning. I never wasted an instant on any frivolous or unnecessary pursuits, since to do so would have been a lost opportunity to review.

"From the age of forty I was appointed as a posek and dayan for our community. My position required me to make time to deal with the other needs of the community. But I was always concerned that this kept me from learning as much as I wished. I would therefore push myself to take advantage of any available time, even the short times between cases or questions, to learn.

"You should all learn from me and be as careful to use your time to the hilt, even if you are required to spend much time helping the community and aiding all individuals who require assistance. You must push yourselves not to waste an instant. Instead, you should wait for the precious moments between duties that you can grab for learning. Never squander these opportunities for spiritual growth.

"If you will follow my advice in this, you will see a huge blessing in your learning. As long as you are filled with yearning for Torah and you are careful to use any time you can, Hashem will send a great blessing in your Torah study. You will find time to learn everything you wish since you will achieve very much even if the available time is short."² ■

1. תוספות בכריתות, דף ט"ו ע"א
2. צוואה מחיים, אות י"ב ■