

OVERVIEW of the Daf

1) **Mishnah:** The Mishnah presents cases of one who purchases the output of something and is expected to leave part of that item with the seller.

2) Clarifying the Mishnah:

A Baraisa rules that the buyer must leave two pairs of doves which is at odds with the Mishnah that ruled that only one pair must be left behind.

R' Kahana resolves the contradiction. The reason two generations from the mother must be left behind is explained.

3) Cutting off the additional bees

R' Yehudah in the name of Shmuel suggests that mustard is used to sterilize the remaining bees.

How mustard sterilizes the bees is explained.

R' Yochanan offers another explanation for the Mishnah's statement that the remaining bees are "cut off."

A Baraisa offers a third explanation.

4) Honey in a beehive

R' Kahana teaches that honey in a beehive does not lose its status of food thus establishing the principle that honey in a beehive does not require intent to be considered food.

This position is challenged.

Two resolutions to this challenge, one from Abaye and one from Rava, are offered.

Rava's position is challenged.

Two resolutions to this challenge are presented.

Another unsuccessful challenge to Rava's explanation is recorded.

A Baraisa is cited that supports R' Kahana's explanation.

5) Leaving behind some of the tree

A Baraisa is cited that presents the guidelines for how much of a tree must be left if one purchased the right to the wood.

(Continued on page 2)

Distinctive INSIGHT

The two combs of honey to be left for the bees

אמר אביי לא צריכא אלא לאותן שתי חלות. רבא אמר רבי אליעזר היא

Rav Kahana rules that regarding the laws of impurity, honey in its comb maintains its status as a food. As Rashbam explains, even at the time when the bees begin to consume the honey, the honey is still considered "food" until such time as its owner dismisses the honey from his mind and designates it for the bees to eat. The Gemara questions Rav Kahana from a Baraisa which teaches that honey in its comb is not impure as a food nor as a liquid. Abaye resolves this inconsistency by explaining that the Baraisa which excludes the honey from the laws of impurity is specifically referring to the two cakes of honey which must be preserved in the hive throughout the rainy season to supply the bees with sustenance over the winter. These cakes are not to be removed, and they therefore are not considered as "food" for human consumption.

Rashbam identifies the two loaves or cakes of honey which are designated for the bees as being the two outer combs. They are usually of the least quality, as the innermost combs are usually the best. These outer rows are therefore known as the *דבש בכוורתו*—the honey of the hive, as they are appropriately the ones which will not be removed and will remain as a permanent part of the hive. Tosafos (*ד"ה דבש*) holds that all other cakes of honey are not designated to remain in the hive, and their status is that of being food. Even if the owner of the hive was to declare that he was leaving those inner rows for the bees, this declaration would not be adequate to remove the status of "food" from them. Rashbam, however, holds that if the owner specifically declares any other row to remain for the bees, this declaration does have an effect, and that row would no longer contract impurity, as long as it is, in fact, left in the hive, and as long as it is only two rows, and not more.

Some Rishonim explain that even according to Rashbam, the owner's designation of other rows to be for the bees is valid only as long as he makes this statement before the honey is formed. Once the honey is formed it is susceptible to contract impurity; the owner's change of heart to leave it in the hive will not remove this status from that cake of honey. In this regard, Rashbam does not argue with Tosafos. Nevertheless, Rashbam might allow exchanging this cake of honey with one of the outer ones, even at this point. He may hold that the outer combs are assumed to be the ones which will be left, but the other combs are "*משועבדים*" to be left as replacements for the outer cakes, at the discretion of the owner. ■

REVIEW and Remember

1. Why is it necessary to leave pairs of birds in the dove-cote when one purchased the dove's offspring?

2. What is meant by the Mishnah when it teaches that one must sterilize—*מסרס*—bees?

3. What is the source that a beehive is categorized as land?

4. How many varieties of cedar trees are there?

HALACHAH Highlight

The tum'ah of honey

אמר ר' כהנא דבש בכורת אינו יוצא מידי מאכל לעולם

R' Kahana rules: Honey in a beehive does not lose its status as food

R' Kahana declares that honey that is still located in the beehive does not lose its status of being categorized as food. Rashbam¹ in his second explanation writes that R' Kahana is teaching that while the honey is contained in the beehives it retains its status as food even though it will occasionally flow like a liquid. Once the honey flows out of the beehive it is categorized as a liquid unless one has the specific intent to use it as a food. These halachos make honey unique as far as the halachos of tum'ah and taharah are concerned as will be explained.

Anything that is consumed as a food is susceptible to **טומאת אוכלים**—the tum'ah of foods. In order for a food to become tamei it must first be made susceptible—**מוכשר**—to tum'ah by coming in intentional contact with one of the seven liquids, i.e. water, dew, oil, wine, milk, blood or honey². Liquids follow a stricter set of tum'ah rules than foods. One example of this stringent status is that food that is tamei does not make a utensil that comes in contact with it tamei even Rabbinically. Liquids, on the other hand, will make utensils t'meim that come in contact with them³. Another difference is that when foods transmit tum'ah to other foods each subsequent food falls to a lower level of tum'ah, e.g.

The Baraisa's statement that three tefachim of trunk must be left from a virgin sycamore is challenged from a Baraisa.

Abaye resolves the challenge.

The statement of the Baraisa that cedar trees do not regenerate is unsuccessfully challenged.

The different varieties of trees mentioned in the verse in Yeshaya are identified. ■

food that has first degree tum'ah renders another food a second degree tum'ah and that food renders the next food a third degree tum'ah. Liquids are always considered first degree tum'ah so that if, for example, a liquid that has first degree tum'ah touches another liquid that second liquid is also considered to be a first degree tum'ah liquid and the same is true no matter how many liquids become t'meim, they will all be considered first degree tum'ah⁴. Honey at some times is categorized as a food and at other times it is categorized as a liquid. When it first comes into existence honey is categorized as a food and must come in contact with one of the seven liquids to become susceptible to tum'ah. At some point, which is subject to a debate between Beis Shammai and Beis Hillel⁵, honey is categorized as a liquid and the various stringencies associated with the tum'ah of liquids will apply. ■

1. רשב"ם ד"ה דבש
2. רמב"ם פ"א מהל' טומאת אוכלין ה"ד
3. רמב"ם שם פ"ז הל' א' וב'
4. רמב"ם שם ה"ה
5. משנה עוקצים פ"ג משנה י"א ■

STORIES Off the Daf

Honey in the hive

דבש בכורת

The halacha is that one must wash his hands for anything dipped in the seven liquids that enable ritual defilement, one of which is honey. Although many people rely on the custom of the masses not to wash for foods that have come in contact with these seven liquids¹, it is certainly proper to be careful with these halachos.

Someone once asked the Chasam Sofer, zt"l, regarding a dish cooked with honey. "If a cake is dripping with honey, does it require netilas yadayim like any food covered with one of the seven liquids?"

The Chasam Sofer, zt"l, replied, "In Bava Basra 80 we find that there are three halachos regarding honey. The first is the law of honey directly from the hive. This

honey is considered food, so a food covered with this honey does not require ritual washing.

"The second law is regarding honey which flows out of the hive. In this case the halacha is predicated on the owner's thoughts regarding the honey. If he planned to eat it as a food, it is considered food, but if he wanted to use it as a liquid it has all the halachos of one of the seven liquids.

"The third type of honey is honey which was extracted from the wax by heating it up. Tosafos² states definitively that this honey is one of the seven liquids as we find in Uktzin³. The Taz rules from here that a dish that is dripping with honey requires netilas yadayim⁴, and this is the halacha even though the Magen Avraham disagrees for reasons of his own."⁵

But the Chofetz Chaim, zt"l, casts their dispute in a different light. "The Chayei Adam explains that the ruling regarding the disagreement between the Ma-

gen Avraham and Taz really depends on the honey. If one purchased honey still mixed with wax and he heated it up to separate the honey from the wax with the intention to cook with the honey, it was never meant to be used as a liquid and one need not wash on a cake or the like prepared with this honey. But if he purchased the honey from those who make mead, it is clear that their main purpose in cooking up the honey was to use it as a liquid. In this case, the halacha follows the Taz that one must wash."

The Mishnah Berurah adds, "The Derech Chaim rules that if one eats with a fork he need not wash no matter what type of honey was used."⁶ ■

1. ע' מג"א ס' קנ"ח בשם הל"ה וע"ע שו"ת ארץ צבי ח"א ס' ל"ב
2. תוס' ד"ה אינו
3. משניות עוקצין פ"ג מי"א
4. ט"ז ס' קנ"ח ס"ק ז'
5. מג"א שם
6. מ"ב שם ס"ק י"ד