

OVERVIEW of the Daf

1) Bikkurim (cont.)

The Gemara challenges R' Yosi bar Chanina's ruling that if the owner sent his bikkurim to Yerushalayim with an agent and the agent died on the way the owner does not recite the bikkurim pesukim when he is doing nothing more than reciting pesukim.

Two explanations for this ruling are presented.

2) Defining the trunk and the roots

R' Yochanan clarifies how to define what is considered growing from the trunk and what is considered growing from the roots.

A potential problem the Mishnah has with this ruling is addressed.

3) Palm trees

R' Nachman states that palm trees have no trunks.

R' Zevid offered one interpretation of this statement.

R' Pappa rejected this interpretation and one of his own.

The Gemara explains how R' Zevid's explanation is not contradicted by the Mishnah.

4) Purchasing three trees

The Gemara inquires about the quantity of land that is granted one who purchases three trees.

R' Chiya bar Abba in the name of R' Yochanan gives an opinion pertaining to the amount of land granted one who purchases three trees.

R' Elazar unsuccessfully challenges this opinion.

A Baraisa is cited that supports the position presented by R' Chiya bar Abba in the name of R' Yochanan.

R' Yosef and Abaye have a conversation pertaining to the

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Distinctive INSIGHT

A statement that may be false

משום דמיחזי כשקרא

Rabba had stated earlier (81b) that if someone buys trees, even though there is a question whether he had also purchased the land with them, he should nevertheless bring bikkurim from the fruits of that tree, but he should not recite the accompanying verses. Due to the doubt, there is a possibility that he does own the land, so he should bring the fruit just in case. Yet, due to the possibility that he does not own the land, he should not read the verse which include a phrase which declares that the fruit is from "the land that you have given to me - אשר נתת לי." The Gemara noted that there are several other issues which also have to be resolved before we can simply bring fruits as bikkurim just in case. The new owner of the tree must consecrate the fruits to ensure that he is not bringing unconsecrated fruits into the Beis HaMikdash. He must separate the appropriate tithes from the fruits, and give the ma'aser rishon to a kohen, both as precautions that the fruit may not be bona-fide bikkurim. Finally, he must send them to Yerushalayim via a messenger, but then the owner must be the one who presents them to the kohen in the Beis HaMikdash.

After all this, the Gemara asks that making the declaration which accompanies bringing of the fruit should not be prohibited, as it should be no worse than reading of verses of the Torah. To this, the Gemara answers that doing so would be *מיחזי כשיקרא*—it would appear as a falsehood. Tosafos HaRosh explains that making a false or misleading statement is a Torah violation. *שאגת אריה* (#13) contends that it is only a rabbinic infraction. The Achronim inquire regarding the opinion of the Rosh, because the nature of a lie is, by definition, only prohibited when it results in damage occurring to someone. Here, the person is simply reading the verses and thereby making a statement that might not be true, but no one seems to be suffering as a result.

The answer given is based upon a Gemara in Moed Katan (26b), where we find that if a person who is wearing torn clothing walks in front of the dead, he is guilty of fooling the living and the dead. Rashi explains that this person misleads others to think that he tore his clothes as a sign of respect for the dead, while the truth is that his clothes were already torn. We see that a person is guilty of portraying a false impression if he appears to others as if he has done a mitzvah when he in fact has not done so. Here, too, if one reads the verses and appears to be performing the mitzvah properly, he is guilty of misrepresenting the truth. ■

REVIEW and Remember

1. Why is it wrong to read the bikkurim verses when one is not obligated to do so?

2. What did R' Nachman mean when he said that a date palm has no trunk?

3. What led Rava to assume that the Mishnah does not follow R' Akiva?

4. How much space must there be between the trees for the buyer of three trees to acquire the land between the trees?

HALACHAH Highlight

Reading the thirteen attributes of mercy without a minyan

מכדי פסוקי נינהו ליקרי

Now they are just verses so why can he not read them?

Tur¹ in the name of Rabbeinu Nosson writes that it is not the custom for individuals who are fasting to recite the thirteen attributes of mercy – י"ג מדות דרחמים. Tur then wonders why there is a concern for an individual to recite these attributes since he is merely reading verses from the Torah. Seemingly, the only requirement for a minyan is devarim she'b'kedusha like kaddish, kedusha or borchu. Notwithstanding Tur's objection, Shulchan Aruch² follows the ruling of Rabbeinu Nosson and prohibits the recitation of the thirteen attributes of mercy by an individual and explains that they are, in fact, categorized as a davar she'b'kedusha. The only permitted way to recite these attributes is to read them as though one was reading from the Torah. Vilna Gaon³ writes that the source that it is permitted to read the thirteen attributes of mercy as verses rather than as a prayer or supplication is our Gemara. Our Gemara mentions that were it not for the issue of giving the appearance of falsehood it would be permitted for someone to read the bikkurim verses even though he is not technically obligated to recite them. Similarly, it is permitted to read the verses of the thirteen attributes of mercy as long as they are read in the form of Torah study rather than a prayer or supplication.

Mishnah Berurah⁴ explains that reading the thirteen attrib-

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ruling of the Baraisa concerning the area of the picker's basket outside of the three purchased trees.

A Baraisa is cited that supports Abaye's position in the Baraisa.

Two different opinions, in the name of Shmuel, are presented regarding the amount of space between trees for the purchaser to be granted land as well.

Abaye tells R' Yosef that R' Nachman's position is that the law applies when the trees are between eight and sixteen amos apart since there is a Mishnah that supports this position.

R' Yosef begins to explain why he disagrees with Abaye's proof. ■

utes of mercy as verses involves reading the verses with the trup as one does when reading from the Torah. Rav Moshe Feinstein⁵ adds that when an individual is reading the verses he must read the second verse until the end, even though he will read words that are not included in the thirteen attributes of mercy. Furthermore, one should not use the customary tune used when davening; rather one should recite the verses as one normally reads verses. Thus, if while learning one uses the Torah trup he should read the verses using that tune and if he uses another tune while learning he should use that alternative tune for the reading of the thirteen attributes of mercy. ■

1. טור או"ח סי' תקס"ה.
2. שו"ע שם סעי' ב'.
3. ביאור הגר"א שם.
4. מ"ב שם ס"ק י"ב.
5. שו"ת אג"מ יו"ד ח"ג סי' כ"א. ■

STORIES Off the Daf

An easy solution

"משום דמחזי כשקרא..."

One of the most vexing problems in hilchos brochos is when one is not certain whether or not a blessing is required. "We are lenient when it comes to a doubtful berachah." This usually means that one is stuck. He cannot make the blessing and the poskim rule that he should not partake of the questionable item since perhaps it does require a blessing.

One time, Rav Yaakov Kaminetzky, zt"l, was with the Alter of Slabodka, zt"l, and he was unsure whether he needed to make a blessing. The Alter said, "So don't eat any more."

A moment later he said, "Now that

you have decided to stop eating, you can make a new berachah on the safek!"¹

But what if someone really has a problem? Can it really be true that there is no halachic solution to such dilemmas? A certain person was always troubled with this problem. But one day he was overjoyed to see that certain halachic authorities imply a very elegant solution for the entire problem: Why not say the blessing in Aramaic! By merely saying: בריך רחמנא מלכא דעלמא וכו' one solves this problem with ease.²

Yet this man was not confident that the halachah follows this opinion. Didn't it seem strange that earlier authorities didn't suggest this simple solution?

He consulted with the Netziv, zt"l, who prohibited this practice. "The Chavas Daas on S'fek S'fekah³, forbids this. His reasoning is from a clear Gemara on daf

82 in Bava Basra. There we find that one may not read the parshas bikurim when it is questionable whether he is obligated to bring them, since this appears as though he is lying. Even though there is nothing inherently wrong with saying parshas bikurim at any time, one may not say it for the sake of discharging his obligation unless he is certain that he has an obligation.

"We find a similar halacha regarding answering amen to an invalid blessing. Although one may certainly say amen as often as he likes, he may not say amen here because of the problem of מחזי כשקרא. The same holds true regarding saying a normally permitted language when he is unsure whether or not he is required to make a blessing!"⁴ ■

1. ספר במחיצתו של רבינו
2. פנ"י, ברכות, דף יב ע"א, בתוס' ד"ה ולא
3. יו"ד סי' ק"י, בבית הספק, סק"כ
4. שו"ת משיב דבר, ח"ב, סי' ל', אות ג' ■