



OVERVIEW of the Daf

1) Weights and measures (cont.)

The Baraisa continues to discuss the proper size for dry and liquid measuring utensils.

The reason measuring sizes of other utensils should not be manufactured is explained.

2) Increasing measurements

Shmuel ruled that a town may not increase its measuring utensils by more than a sixth.

After a number of unsuccessful attempts to explain this ruling R' Chisda explains that Shmuel's ruling is derived from a pasuk.

A related incident is recorded.

3) Profiting from dishonest business practices

A Baraisa discusses the consequence for those who engage in various dishonest business practices.

The Gemara contrasts the business model of Shmuel's father and that of Shmuel and concludes that Shmuel's father's practice was more beneficial.

4) Stockpiling produce

Rav rules that it is permitted to stockpile produce for personal use.

A Baraisa is cited that supports this ruling.

A related incident is presented.

5) Exporting produce from Eretz Yisroel

A Baraisa discusses the permissibility of exporting produce from Eretz Yisroel. ■

REVIEW and Remember

1. Why was there no concern for similar measures in the Beis Hamikdash?

2. Explain Rava's teaching pertaining to measuring discrepancies of less than a sixth?

3. What is the consequence for those who lend money with interest?

4. What foods may not be exported from Eretz Yisroel?

Distinctive INSIGHT

Removing shemitta fruit from Eretz Yisroel

תנו רבנן אין מוציאין פירות מארץ ישראל דברים שיש בהם חיי נפש כגון יינות שמנים וסלתות

The Baraisa teaches that it is prohibited to remove commodities that are staples (such as wine, oil and flour) from Eretz Yisroel. The reason for this halacha is in order that the supply of these items remain plentiful and that the prices for them not rise unnecessarily.

שערי צדק (שערי צדק שער משפטי הארץ יא: יג) writes that it is reasonable to say that removing small quantities of these items should be permitted, as small amounts do not have much influence upon general market pricing.

בית אדם explains that this dispensation can be seen in the Mishnah (Shevi'is 6:5) which teaches that it is prohibited to export fruits of the seventh year and teruma that has become defiled from Eretz Yisroel to outside the land. The emphasis of the Mishnah is to specify that the fruits of the seventh year may not be removed from the land in even small amounts, but small quantities of other fruits may be taken out of the land. Nevertheless, this proof is not conclusive, as the Mishnah in Shevi'is might be referring to spices, dyes, and defiled teruma, all of which are not edible. Being that these are not staples, there is no general prohibition against removing them from the land, other than the fact that they are products of the seventh year.

The contention of **חכמת אדם** to permit removing small quantities of fruit from Eretz Yisroel is demonstrated, however, from a Gemara in Pesachim (52b), where we find that Rav Safra removed a jug of wine of the seventh year from Eretz Yisroel. Tosafos immediately notes that this seems to be in violation of the Mishnah in Shevi'is (ibid.) which does not allow removal of any shemitta fruits. Tosafos answers that this is permitted for business purposes. We see that Tosafos is willing to consider that shemitta fruit may be removed from Eretz Yisroel for business purposes, but this still does not account for the Baraisa in our Gemara, where the removal of any fruits seems to be prohibited, and there is no dispensation that it be permitted for business. Rather, we see clearly that the prohibition to remove fruit is only in large quantities, where the market price may be affected. Rav Safra, however, who was only taking a jug of wine was allowed to do so, other than the consideration that the wine was a shemitta product, and the reason given for his action was that it was for commerce, and not for his own consumption.

HALACHAH Highlight

Exporting food from Eretz Yisroel

אין מוציאין פירות מארץ ישראל דברים שיש בהן חיי נפש

One may not take fruit from Eretz Yisroel if it is the kind of food that is essential for one's diet

The Gemara cites a Baraisa that rules that one may not take foods that are staples out of Eretz Yisroel. Examples of foods that are included in this category are wine, oil and flour. This ruling is recorded as well in Shulchan Aruch¹. Based on this ruling Teshuvos Shevet Halevi was asked whether there is a prohibition against drinking wine that was exported from Eretz Yisroel.

Shevet Halevi answered that in his opinion the prohibition against exporting foods that is a staple does not apply. The rationale behind the original prohibition was the concern that if food essential to people's diet was exported, it would either leave the residents of Eretz Yisroel without sufficient food to eat or cause a spike in the cost of these staples. Nowadays, however, the food that is exported was not needed by the residents of Eretz Yisroel; meaning, even after all the exports are shipped out there is still a plentiful supply of food available for the residents of Eretz Yisroel. Moreover, if they kept the produce that grew rather than export it, the bulk of it would spoil and no one would benefit from it, therefore, it is clear that under such conditions

(Insight...continued from page 1)

The commentary of Beis Yisroel to פאת השלחן writes that even small amounts of foods such as wine, oil and flour may not be removed from Eretz Yisroel. He explains that the story of Rav Safra can be understood according to the second answer of Tosafos in Pesachim, who says that Rav Safra did so inadvertently. ■

the prohibition does not apply.

In light of this explanation, Shevet Halevi explains a difficult Tosafos. The Gemara Pesachim (52b) relates that R' Safra took with him shevi'is wine from Eretz Yisroel to outside of Eretz Yisroel. Tosafos² asks why R' Safra was permitted to take shevi'is wine outside of Eretz Yisroel when a Mishnah in Shevi'is (6:5) rules that one may not take shevi'is wine out of Eretz Yisroel. He answers that R' Safra took the wine out of Eretz Yisroel in order to sell it. Pe'as Hashulchan³ challenges Tosafos's answer since there is a general prohibition against taking food that is a staple out of Eretz Yisroel. Shevet Halevi answers that Tosafos also maintains that the prohibition against taking food that is a staple out of the land does not apply when the earlier-mentioned conditions are met and thus the only question that bothered Tosafos was the specific prohibition against exporting shevi'is produce. ■

1. שו"ת שבט הלוי ח"ב סי' ק"ח.

2. תוס' שם ד"ה רב ספרא.

3. פאת השלחן סי' ה' בב"י ס"ק נ"ו. ■

STORIES Off the Daf

A double portion

"מנה של קודש כפול היה..."

It has long been the custom for the wealthy to support worthy talmidei chachamim, but not everyone held that this was a real benefit for the scholar.

The Chidah, zt"l, brings that Rav Moshe Galanti, zt"l, would lament that talmidei chachamim were the beneficiaries of the largesse of others. "Woe to the scholars in our times who are maintained by the ignorant! When they leave this world they will find that half of their learning goes to their wives and another half to their sup-

porters. So what will remain for them? It is surely not possible to stem off their creditors by asking them to each take only a third, since they will surely want what is their due. How sad that after all of their toil they will leave the world as empty of Torah as they were when they arrived. This explains why our sages taught that one who is supported by the work of his own hands is greater than one who has fear of heaven. Even so, Hashem set things up this way so that the ignorant will also merit Torah, even though they never had the opportunity to learn..."

But the Chidah disagreed. "It is brought in many sources that the 'half' that the wife of a scholar receives does not diminish the scholar's portion,

since why should Hashem deprive the scholar when He has endless resources to give to the deserving? And the same is clearly true regarding one who supported Torah. Let the righteous rejoice in the honor of the Torah!"¹

The Ohr Hachaim hakadosh, zt"l, learns this from today's daf which teaches that a holy maneh is double a regular maneh. "This shows that although a person who learns must surely share his learning with the person who supports him, he loses nothing from this. The maneh of hekdesch is doubled, since both parties have a full share of the Torah learned!"² ■

1. מדבר קדמות, מע' מ', אות ל"ו, וע' בהקדמת המו"ל לסי' דרשות למהר"ש מולכו

2. אור החיים הק', פרשת כי תשא ■