

OVERVIEW of the Daf

1) Crumbling mustard pods (cont.)

Rava responds to Abaye's challenge to his ruling, permitting the crumbling of mustard pods, by relating our Mishnah to a dispute between Rebbi and R' Yosi ben R' Yehudah in a Baraisa concerning the obligation to separate terumah from ears of grain brought into the house to rub them and eat their grains.

Our present understanding of R' Yosi ben R' Yehudah is challenged and the Gemara is forced to admit that even according to R' Yosi ben R' Yehudah there is a circumstance in which it would be permitted to separate terumah on Yom Tov.

2) The dispute between Rebbi and R' Yosi bar Yehudah

Abaye asserts that the dispute between Rebbi and R' Yosi bar Yehudah applies only to ears of grain, but concerning legumes all opinions agree that bundling them makes them subject to the terumah obligation.

A proof to this assertion is offered and seemingly succeeds.

A second version of Abaye's qualification is cited. According to the second version Abaye maintains that concerning legumes all opinions agree that bundling does not make them subject to the terumah obligation.

This assertion is unsuccessfully challenged.

A Baraisa is cited that indicates that a Levi who accepts ma'aser before terumah has been removed is fined and must complete processing the item before he can separate terumas ma'aser.

3) Ma'aser Rishon

R' Avahu in the name of Reish Lakish teaches that if one gave ears of grain as ma'aser it is considered tevel for terumas ma'aser, even though it is not yet fully processed, simply by virtue of the fact that it is called ma'aser.

Reish Lakish rules that once grain was given as ma'aser without previously separating terumah there is no longer an obligation to separate terumah.

R' Pappa unsuccessfully challenges Reish Lakish's interpretation of the verse he cited for his ruling.

4) Peeling kernels

A Mishnah in Ma'asros teaches that if one peels and eats one grain at a time there is no ma'aser obligation, but if one peels many before eating there is a ma'aser obligation.

R' Elazar asserts that the same guideline will be true for Shabbos and the potential violation of mefarek - extracting.

This ruling is challenged and the Gemara states that R' Elazar's statement was made concerning a different halacha.

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Distinctive INSIGHT

When does ma'aser apply to stalks?

איכא דאמרי אמר אביי מחלוקת בשבלין אבל בקטניות דברי הכל אסורייתא לא טבלא

The Gemara discusses the difference between stalks of grain and legumes regarding at which point of their processing the obligation for ma'aser begins.

According to the second approach of the Gemara, Abaye explains that Rebbe and Rabbi Yose ben R' Yehuda only argue in a case where stalks were brought collected into one's house to eat small amounts of the grain at a time. Rebbe rules that the obligation for ma'aser begins, because this grain will never be collected into larger piles, which would otherwise be the point at which ma'aser applies. Rebbe Yose ben R' Yehuda exempts these stalks from ma'aser, because only piles of דגן are obligated in ma'aser. When legumes are gathered as stalks, all agree that the obligation to take מעשר would not begin. Rashi explains that after being removed from their husks, they are generally piled up in piles (מירוח), and only then does the ma'aser obligation begin.

שער המלך notes that according to Rashi, when the Gemara questions the approach of Abaye from the Mishnah פ"י (תרומות פ"י) where stalks of fenugreek (a legume) must have ma'aser removed, a simple answer could have been offered. The Gemara should have simply noted that there are different types within the legume family, and fenugreek is more valuable than others. It needs to have ma'aser removed at an earlier stage (as stalks) because it is eaten even in small amounts.

Rather, the difference between grain and legumes is that grain is obligated in ma'aser from the Torah, while legumes are only obligated rabbinically. Therefore, as stalks, we take ma'aser from grain, but not from legumes. This is why the question from fenugreek is problematic for the Gemara. ■

REVIEW and Remember

1. Why are ears of grain brought into the house for making dough exempt from terumah?
2. What is the penalty for accepting ma'aser before the terumah was separated?
3. How is terumah gedolah separated by estimation and orally?
4. What are the different opinions regarding the correct method to rub ears of grain on Yom Tov?

HALACHAH Highlight

Performing a Milah before the eighth day

אמר ר' שמעון בן לקיש מעשר ראשון שהקדינו בשבלין פטור מתרומה גדולה וכו'

If one separated ma'aser [before terumah was separated because the grain was still] in its ears, [the grain] is exempt from terumah gedolah.

The Netziv¹ cites an unusual ruling. A baby was born after shkiah Friday evening and the Rov ruled that the bris should be performed on Friday morning the following Friday. One proof he offered was the language of the Tosefta². The Tosefta writes that a milah performed before the eighth day is not a mitzvah. This implies, according to the Rov, that it is not a mitzvah but the commandment was fulfilled nonetheless. Furthermore, the Rema³ writes that one is יוצא if the bris is performed before the eighth day. Although the Shach⁴ disagrees, nonetheless the language of the Tosefta supports the ruling of Rema.

Netziv⁵ wrote that the ruling was made in error. Regarding the Tosefta, Netziv writes that it is clear the intention is that the mitzvah is not fulfilled at all, meaning the commandment was not performed. Furthermore, the intention of Rema is that one is not required to take a drop of blood (הטפת דם ברית) but not that the mitzvah was actually fulfilled. Additionally, Netziv writes that when the Torah prescribes that something should be done in a particular time or order, the mitzvah is not fulfilled if the timing or order is not followed. He proves this principle from our Gemara which cites a pasuk to teach that if one sepa-

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R' Abba bar Mamal questions how it could be that regarding Shabbos peeling grains is not the completion of the processing and yet for purposes of ma'aser it is the completion of the processing.

R' Sheishes the son of R' Idi cites another example of this phenomena and explains that Shabbos is different because of the requirement for meleches machsheves.

5) Rubbing an fanning ears of wheat

The Gemara earlier (12b) ruled that it is permitted to rub ears of wheat on Yom Tov. Three different methods for this activity are described.

Two different methods of permissible fanning are recorded. ■

rated ma'aser before terumah that it is exempt from having to separate terumah. The reason a pasuk is necessary is because without the pasuk we would say that if the person did not follow the prescribed order, i.e. terumah, ma'aser, ma'aser rishon, etc., it is considered as if he did not perform the mitzvah. Thus, since there is nothing in the Torah to indicate that a bris milah performed early fulfills the mitzvah, the conclusion must be that no credit is given for the mitzvah. ■

1. שו"ת משיב דבר ח"ב סי' נ"ד

2. תוספתא מגילה פ"א ה"ד

3. רמ"א יו"ד סי' רס"ב סע' א'

4. ש"ך שם סק"ב וע"ע בט"ז סק"ב ומובא דעתם בביאור הגר"א סק"ה וע' פת"ש סק"ד בשם השג"א דהכי ס"ל

5. שו"ת משיב דבר הנ"ל ■

STORIES Off the Daf

A few grapes

ענבים...ומפריש עליהם תרומת מעשר

Today's daf discusses terumos and ma'aseros.

Rav Eliezer Don Ralbag, zt"l, once passed by the home of the tzadekes Savta Elka of the Old City on his way to selichos and heard her weeping. "How could my sweet grandson, who was always such a good student, suddenly lose his ability to understand the Gemara?"

Since Rav Eliezer Don held a ta'anis dibbur from Rosh Chodesh Elul until after Yom Kippur, he knocked softly and handed her a note. "I will look into the matter." Savta Elka immediately felt relief; she knew that she could rely on the Rav.

Unfortunately, Rav Eliezer Don forgot

his promise, and it wasn't until Yom Kippur that he remembered. As soon as the fast ended, he rushed to the Talmud Torah and spoke with the boy's rebbi, who explained that although the boy could remember his learning, he had almost no comprehension for months. Rav Eliezer Don then went to the boy and asked, "Son, tell me what you know about the Savta's cries."

Thinking that the Rosh Yeshiva was referring to the sugya of that name in Sukkah (31a), the boy began to recite it by heart.

Moved to tears, Rav Eliezer Don kissed the boy on his head and said, "I see what a wonderful boy you are. Now tell me why your rebbi says that you are not the student you were."

At this, the boy began to cry. "I have been davening but my prayers go unanswered. I don't know!"

"Tell me about your day," the Rav pressed.

The boy related his schedule and added, "After cheder, I go to a neighbor's house to play with the small children. Their father always gives me a bunch of grapes for babysitting, because his brother has a vineyard."

Such grapes were quite a luxury. Despite the late hour, Rav Eliezer Don sent for the neighbor. To soothe him, the Rav opened with a bracha for the coming year. He then asked about the man's brother.

"He is unfortunately not so observant, but he has come closer to yiddishkeit during the past year."

Rav Eliezer Don asked, "And what about terumos and ma'aseros?"

The man stammered, "I...forgot!"

When she heard the cause of the trouble, Savta Elka lamented, "Such a great loss for a few grapes! ■