



OVERVIEW of the Daf

1) The Dispute between Chizkiyah and R' Avahu (cont.)

Three challenges: נזיר, תרומה and חדש are presented to R' Avahu which indicate that a prohibition against eating does not include a prohibition against benefit. Each challenge is answered.

The Gemara proceeds to quote two examples, שרצים and חמץ, where the Torah uses a form of the words לא יאכל and, nonetheless, we would have thought that they would be permitted for benefit. These challenges are answered.

A suggestion is made that R' Avahu's opinion is a matter of Tannaic dispute.

The dispute, however, could be understood differently and therefore is not definitive.

The Gemara identifies the case in which there will be a difference of opinion between R' Avahu and Chizkiya.

2) An additional source prohibiting chometz from benefit

A certain scholar taught in the name of R' Yehoshua ben Levi an alternative source for the prohibition against benefit of chometz on Pesach and the ox that is to be stoned. ■

Distinctive INSIGHT

A tree for the public

להביא את הנטוע לרבים

Rashi explains that a tree planted for the public, which is subject to the laws of orlah, is one that is planted in the middle of the street, in the רשות הרבים. Tosafos points out that this explanation is difficult, based upon the Mishnah (Orlah 1:2), where we first find a מחלוקת between Tanna Kama and Rabbi Yehuda about נטוע לרבים, followed by a discussion about a tree in the middle of the street. This strongly suggests that נטוע לרבים in the רישא is not the case where the tree is in the middle of the street. Tosafos, therefore, explains that נטוע לרבים is a tree in private property, planted for public consumption. ■

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In memory of Isser ben Shmuel
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Gemara GEM

A nazir using wine for an eiruv

מערבין לנזיר ביין ולישראל בתרומה

The food used for an eiruv must be edible by the participant. This is the opinion of סומכוס in Eiruvin (30b). Rashi explains that the reason a nazir may use wine for his eiruv techumim is because he can potentially release his condition of being a nazir with an appeal to a bais din, and the wine can be consumed by him. Similarly, a Yisroel can use teruma, because he can appeal to a bais din about his removal of the teruma (claiming it was done under false intent), and the teruma is no longer valid. The Yisroel can then use the grain which was designated as teruma.

Tosafos (ד"ה מערבין לנזיר) points out that we do not hold like סומכוס, and the reason wine and teruma may be used is that although one person may not eat it, however, it is edible by someone else.

Rabbi Akiva Eiger explains that Rashi preferred to explain the Gemara according to סומכוס, because Rashi holds that even Tanna Kama agrees that the food for an eiruv must be edible for the one who places it. The rule of the Gemara that Tanna Kama holds that it is adequate if others can eat it was only according to the הוה אמינא in Eiruvin.

Finally, the inference that food for an eiruv is a source of personal benefit from the food is only valid if we are using the eiruv for personal travel. However, we hold that an eiruv can only be arranged for a mitzvah. If we use the rule that mitzvah activity is not personal gain (מצוות לאו ליהנות ניתנו), then using wine for a nazir or teruma for a Yisroel is not considered benefit, and our Gemara has no question against Rebbe Avahu in the first place. ■

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HALACHAH Highlight

The sale of unkosher products

צידי חיה ועופוד ודגים שנזדמנו להם מינים טמאין מותרין למוכרן לנכרים

Hunters of wild animals, of fowl and of fish who caught, by chance, impure species, are permitted to sell them to gentiles.

The halacha is that one is forbidden¹ to hunt for unkosher species. In regard to trading in unkosher animals, e.g. parrots or hamsters, the Talmud Yerushalmi² rules that it is permitted as one is only prohibited to trade in unkosher animals that will be eaten as food. Animals which will be kept as pets, however, one may hunt for trading purposes. The Poskim³ rule like the Yerushalmi.

This is only true regarding trading and hunting for the purpose of providing oneself with a livelihood. However hunting for pleasure,⁴ in the words of the Noda BeYehuda, is sheer cruelty. If one hunts dangerous animals for pleasure, not only is it prohibited, but it is also extremely dangerous. Placing oneself in danger also causes ones' sins to be remembered in the Heavenly Court.

The Poskim also write that using dogs to track the prey falls under the prohibition of moshav leitzim (a gathering of scoffers i.e. people that indulge in idle pursuits). The one who does this will not merit to rejoice in the שמחת לוינתן (a feast for the righteous in the times of Moshiach). ■

1. ונחלקו הראשונים אם איסור זה הוא מדאורייתא או אסמכתא. דלתוס' והרא"ש ורמב"ם הוא מדאורייתא. ולשו"ת הרשב"א ח"ג סימן רכ"ג מדרבנן. ולהלכה הפוסקים כתבו

REVIEW and Remember

1. According to R' Avahu, what phrase consistently limits a prohibition to eating?
2. Why does the Torah use the phrase לך three times (two explanations)?
3. According to the Gemara's conclusion, what is the dispute between R' Yosi HaGelili and R' Akiva?
4. Regarding which case is there a practical difference between R' Avahu and Chizkiyah?

שאיסור מדאורייתא. (פר"ח יו"ד קי"ז ס"ק א' ומל"מ סוף פ"ח ממאכלות אסורות, וערוך השולחן שם ס"ז וע"ט ט"ז שם ס"ק א')

2. בפ"ז דשביעית. ולתוס' ר"ל שאסור רק כשעומד לאכילה. ולרשב"א הנ"ל שאיסורו מדרבנן מגזירה שיבא לאכלו על כן אסרו כל שהדרך הוא לאכול מין זה ואפילו אם בעל חי מסוים זה אין רצומו בו אלא לסחורה. כן ביאר העה"ש, ולשף ס"ק ב' גם את"ל דרבנן מ"מ מותר בזה. ועע"ש ס"ק א'

3. בשו"ע יו"ד קי"ז ס"א וש"פ

4. מנו"ב תניינא חי"ד סימן יו"ד והובאה בפת"ש ביור"ד סימן כ"ח ס"ק י'

5. המ"א באור"ח סימן שט"ז ס"ב

6. כ"כ שם המ"א ומשנה ברורה וש"פ. ועי"ש בפמ"ג שאפשר 1. ■
שם פרנסתו בכך אין איסור

STORIES off the Daf

Kedushah is not eating forbidden foods

והרי שרצים

At the end of the parshah of sheratzim (Vayikra 11:45), Rashi brings the Tana Dvei R' Yishmael that explains the pasuk כי אני ה' המעלה אתכם מארץ מצרים to mean that Hashem says even if I took you out just so you might abstain from eating insects, it would be enough.

To understand this, the Ben Ish Chai uses the following parable. The

only son of a great king, the crown prince, was once captured in war. He was taken away from his familiar surroundings to the jungle where he was exposed to the lowest forms of humanity. The entire time of his capture his father spared no effort to rescue him and have him brought home. When he finally arrived home, however, his father realized that his ordeal was not yet over, for although he had managed to keep himself more respectable than his surroundings, he had forgotten how a prince conducts himself. Despite all of this, the king's joy knew no bounds and everyone

around him knew of his great excitement at having his son home. To those who questioned his great joy, he explained that the first step was to get his son out of his bad surroundings. Now that he had accomplished that, it was possible to train him to act like a prince once again.

So, too, it is with kedusha. Ben Ish Chai points out that the first step is to rise above one's surroundings. After that, one can begin to attain higher levels of kedusha. This is why Hashem says that it was worth taking the Jews out of Egypt, even if only to have the Jews stop eating sheratzim. ■