

5 Kislev 5778
Nov. 23, 2017



Makkos Daf 18

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Source for Lashes

The Gemora asks: But Rava said that a Yisroel who eats from a korban olah before the sprinkling of its blood outside the wall of Yerushalayim will receive five sets of lashes (outside of Yerushalayim, outside of the Courtyard, before the sprinkling, a Yisroel eating sacrificial meat, eating of an olah)!? [According to Rabbi Shimon, how can there be a penalty of lashes if the prohibitions are derived through a kal vachomer?]

The Gemora answers: Rava merely meant that they are prohibitions (but without lashes).

The Gemora asks: But our Mishna states that there are lashes for the following prohibitions (and included in this listing are the cases of eating bikkurim before the recital and eating kodshei kodoshim outside of the Courtyard)!?

Rather, the Gemora answers: The verse mentioned above (You may not eat within your cities the tithe of your grain, or of your wine, or of your oil, or the firstborn of your cattle or of your sheep, or any of your vows that you will vow, or your donations, or the separation by your hand – which Rabbi Shimon used to derive all those individual prohibitions) is superfluous, for the Torah stated earlier: And there you shall bring... And there you shall eat before Hashem, your God etc. (which we learn from here that all of these must be eaten in Yerushalayim). Accordingly, the torah should have continued by saying: “You may not eat them within your cities.” Why did the Torah feel it necessary to repeat each one of them explicitly? It must be to designate a specific prohibition for each and every one

of them (and that is why there are lashes for each one of these prohibitions). (17b – 18a)

Eating before the Sprinkling

It was stated above: A Yisroel who eats from a korban olah before the sprinkling of its blood outside the wall of Yerushalayim will receive five sets of lashes.

The Gemora asks: Why doesn’t he incur lashes for violating the following prohibition: and a stranger shall not eat of them, because they are a sacred thing?

The Gemora answers: This prohibition applies only when the sacrificial meat is permitted to a Kohen (but forbidden to a Yisroel); however, here (by the meat of an olah – which is completely burnt), where it is not fitting for consumption by a Kohen as well, the prohibition to a Yisroel is not applicable.

The Gemora asks: Why doesn’t he incur lashes for violating the following prohibition: and flesh torn in the field you shall not eat – which teaches us that once meat has left its boundaries, it is forbidden to eat!?

The Gemora answers: This prohibition applies only when the sacrificial meat is fitting to be eaten inside of its boundaries (but forbidden outside); however, here (by the meat of an olah – which is completely burnt), where it is not fitting for consumption even inside of the Courtyard, the prohibition of eating it outside is not applicable.



The Gemora asks: Why doesn't he incur lashes for violating the prohibition that Rabbi Eliezer taught, for Rabbi Eliezer said: it shall not be eaten, for it is holy – this verse teaches us that any of the Holy that was disqualified, the Torah adds a negative commandment to one who consumes such an offering!?

The Gemora answers: This prohibition applies only when the sacrificial meat is fitting to be eaten if not for its disqualification; however, here (by the meat of an olah – which is completely burnt), where it is not fitting for consumption even before its disqualification, the prohibition of eating it is not applicable.

The Gemora asks: Why doesn't he incur lashes for violating a different prohibition that Rabbi Eliezer taught, for Rabbi Eliezer said in a braisa: [It shall be entirely burnt; it shall not be eaten.] Regarding anything that is included in the verse, "it shall be entirely burnt," the Torah comes to establish a negative prohibition against eating from it!?

The Gemora answers that this indeed is correct, but Rava was merely saying that there are five sets of lashes based upon Rabbi Shimon's exposition of that particular verse.

Rav Gidel said in the name of Rav: A Kohen that eats from the meat of a chatas or an asham before the sprinkling of the blood incurs lashes. What is the reason for this? It is because it is written: They shall eat those things with which atonement has been effected. The implication from this verse is that only after atonement has been effected may the Kohanim eat from the korban; beforehand, they may not. A prohibition derived from a positive commandment is regarded as a prohibition (and therefore, one who violates this prohibition will incur lashes).

Rava asks: It is written: And every animal that has a split hoof, which is completely separated into two hoof sections, and chews the cud among the animals - that you may eat. The implication from this verse is that such an animal you

may eat, but other animals (that do not have these signs) may not be eaten. And if it is like you said (that a prohibition derived from a positive commandment is regarded as a prohibition), what is the purpose of the next verse, which says: But you shall not eat of those etc.?

Rather, Rav Gidel said the following in the name of Rav: A Yisroel that eats from the meat of a chatas or an asham before the sprinkling of the blood is not liable. What is the reason for this? It is because it is written: They shall eat those things with which atonement has been effected. The implication from this verse is that whenever the Kohanim are able to eat from it, that is when there is a prohibition against a non-Kohen from eating it; however, when the meat cannot be eaten by a Kohen (such as the time before the blood is sprinkled), there is no prohibition against a non-Kohen from eating it. (18a – 18b)

Bikkurim

Rabbi Elozar said in the name of Rabbi Hoshaya: Regarding bikkurim – its placement (before the Altar) is essential to it (and a Kohen, who eats from them beforehand, will incur lashes); the recital of the verses is not essential to it.

The Gemora asks: Did in fact Rabbi Elozar actually say this? But, we learned that Rabbi Elozar said the following in the name of Rabbi Hoshaya: If one designated bikkurim before Sukkos, and Sukkos passed without then being brought, the halachah is that the bikkurim should be left to rot. Why can't they be brought? Is the reason not because it is too late to recite the special verses? If you will say that the recital of the verses is not essential to it, why should it be left to rot (let it be brought to the Beis Hamikdash without the recital)?

The Gemora answers: It is because of Rabbi Zeira, for Rabbi Zeira said in regards to a korban minchah: A flour-offering that is fit for mixing (of the flour and the oil of the offering; with one log of oil for sixty esronim of flour, and a maximum of sixty esronim in one pan, perfect mixing is



possible), the mixing is not critical to it (and the offering will be valid even without mixing); whereas, a flour-offering that is not fit for mixing (where, the proportions of the mixture were less than a log for sixty esronim or where more than sixty esronim were placed in one pan), the mixing is critical (and the offering will not be valid). [Accordingly, here, it is indispensable to the mitzvah, for he cannot recite the verses.]

Rabbi Acha bar Yaakov taught the above statement (regarding bikkurim – its placement (before the Altar) is essential to it (and a Kohen, who eats from them beforehand, will incur lashes); the recital of the verses is not essential to it) in the name of Rabbi Assi in the name of Rabbi Yochanan. He then asked that Rabbi Yochanan contradicts himself. How can Rabbi Yochanan say that regarding bikkurim – its placement (before the Altar) is essential to it and the recital of the verses is not essential to it? And yet, we learned the following: Rabbi Assi inquired of Rabbi Yochanan: When are the Kohanim permitted to eat from the bikkurim? He answered: The bikkurim that are fit for recital are permitted once the recital has taken place. The bikkurim that are not fit for recital are permitted once they entered the Temple Courtyard. There is a contradiction regarding the recital (for in one place he said that its recital is not essential, and in another place he said that the bikkurim cannot be eaten until after the recital), and there is a contradiction regarding the placing of the bikkurim (for in one place he said that the placing down is essential, and in another place he said that the bikkurim can be eaten as soon as they are brought inside – which is before they are placed down)!?

The Gemora answers: This is not a difficulty, for the contradiction regarding the recital of the verses can be answered by saying that one is in accordance with Rabbi Shimon (who maintains that the bikkurim cannot be eaten if the verses were not recited), and the other is according to the Rabbis (who hold that the verses are not essential). The contradiction regarding the placing of the bikkurim

before the Altar is also not difficult, for one is in accordance with Rabbi Yehudah (who maintains that the bikkurim may be eaten even before they were placed by the Altar), and the other is according to the Rabbis (who hold that the placing down of the bikkurim is essential).

The Gemora cites a braisa which elaborates on this dispute. Rabbi Yehudah said: [And the Kohen shall take the basket out of your hand] and place it down [before the Altar]. This refers to the mitzvah of waving. You say that it refers to waving, or perhaps it only means ‘placing them down? As, however, it is written later: And you shall place it down, the mitzvah of placing them down is already indicated. What then is the meaning of the former phrase, “and place it down”? It can only be in reference to the mitzvah of waving. [It is a well-established principle that no mitzvah relating to offering is deemed indispensable, unless the Torah emphasizes it by reiteration, and since, according to Rabbi Yehudah, there is only one verse referencing the ritual of placing it down, it is deemed not essential to the mitzvah of bikkurim.]

And who, the Gemora asks, is the Tanna that disagrees with Rabbi Yehudah? It is Rabbi Eliezer ben Yaakov, for it was taught in a braisa: And the Kohen shall take the basket out of your hand. This indicates that the bikkurim requires waving; these are the words of Rabbi Eliezer ben Yaakov. [And since he has a different verse teaching the requirement of waving, it emerges that there are two verses which teach the mitzvah of placing it down. Accordingly, he holds that the mitzvah of placing the bikkurim down before the Altar is indispensable.]

What is the reason of Rabbi Eliezer ben Yaakov? It is derived through a gezeirah shavah from shelamim. Just like here it is done by the Kohen, so too, a shelamim is waved by the Kohen. And just as by a shelamim, the owner waves it, so too, by the bikkurim, it is waved by the owner. How is this done? The Kohen would place his hand beneath the hands of the owner and wave it. (18b)