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Makkos Daf 19

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Bikkurim

Rava bar Adda said in the name of Rabbi Yitzchak: At what stage in the bikkurim process will a non-Kohen be liable for death for eating them? It is when they enter the Temple Courtyard. This is in accordance with the following Tanna, for it was taught in a braisa: Rabbi Eliezer said: Regarding bikkurim that are half outside the Temple Courtyard and half inside – the part that is outside is regarded as chulin (ordinary foods) in all respects, and the part that is inside is sanctified in all respects.

Rav Sheishes said: 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.

This is in accordance with the following Tanna, for it was taught in a braisa: Rabbi Yosi reported three things in the name of three Elders (and this statement is one of them): Rabbi Yishmael said that one might think that even nowadays (although there is no Beis HaMikdash), a person is required to bring his ma’aser sheini to Yerushalayim and eat it there (without redeeming it). However, this may be refuted through the following argument: Firstborn animals (bechoros) must be brought to “the place” (Yerushalayim), and ma’aser sheini must be brought to “the place.” Now just as a bechor may not be eaten there except when there is a Beis HaMikdash, so too ma’aser sheini should not be eaten there unless there is a Beis HaMikdash,

This, however, is not a good comparison, because in the case of a bechor, there are requirements to sprinkle the blood and burn the fats on the Altar (and perhaps that is why it cannot be eaten unless there is a Beis HaMikdash)!?

But perhaps bikkurim is a proper comparison (which can support his contention since they are forbidden to be eaten from nowadays even though they do not have a sprinkling of blood or burning of fats on the Altar).

This, however, is not a good comparison, because in the case of a bikkurim, there is a requirement to place them down before the Altar (and perhaps that is why it cannot be eaten unless there is a Beis HaMikdash)!?

The Torah therefore writes: And you shall eat before Hashem your God etc. Ma’aser sheini is compared to bechor. Just as a bechor cannot be eaten unless there is a Beis HaMikdash, so too ma’aser sheini should not be eaten there unless there is a Beis HaMikdash.

Rav Sheishes concludes: Now, if it were true (that the recital of the verses is an essential part of the mitzvah of bikkurim), the wording of the last objection in the braisa should have been: This, however, is not a good comparison, because in the case of a bikkurim, there is a requirement to recite the verses and place them down before the Altar!?

Rav Ashi asked: Even granted that the recital is not essential, yet it is considered a mitzvah, and as such, the objection in the braisa could have been: This, however, is



not a good comparison, because in the case of a bikkurim, there is a mitzvah to recite the verses and place them down before the Altar!?

Rather, Rav Ashi said that the reason the braisa omitted the mitzvah of reciting the verses is because the bikkurim was also brought by converts, and they ought to have recited, "that I am come into the land which Hashem swore to our fathers to give us," and they could not (for their fathers were not given a portion in Eretz Yisroel) Rabbi Yishmael could not have stated it (that bikkurim require recital) absolutely (and therefore he omitted it). (18b – 19a)

Eating before the Sprinkling

The Gemora analyzes Rabbi Yishmael's opinion: If he maintains that the initial sanctity of the Beis HaMikdash was sanctified for its time and for all future time, then it should even be permitted for a bechor to be brought as a sacrifice and be eaten in Yerushalayim? And if he holds that the initial sanctity of the Beis HaMikdash was sanctified for its time but not for all future time (and therefore nowadays there is no sanctity), then his inquiry (regarding ma'aser sheini) should have been relevant to a bechor as well (if a bechor was slaughtered while the Beis HaMikdash was in existence, and then it was destroyed, may it be eaten in Yerushalayim)? [Why was the halachah of bechor obvious to Rabbi Yishmael, but not the halachah regarding ma'aser sheini?]

Ravina answers: In truth, Rabbi Yishmael holds that the initial sanctity of the Beis HaMikdash was sanctified for its time but not for all future time, and here the reference is to the following case: The blood from a bechor was sprinkled before the destruction of the Beis HaMikdash, and then it was destroyed, and the meat was still present (and ready to be eaten). Rabbi Yishmael compares the meat of the bechor to its blood: when the blood may be sprinkled on the Altar, the meat may be eaten as well (but since now there is no Altar and the blood cannot be

sprinkled, the meat may not be eaten either). And then he compares ma'aser sheini to bechor.

The Gemora asks: And (in sacrificial matters) can something that is derived through a hekesh (halachos that are taught regarding one subject apply to another one as well) turn around and teach another halachah with a hekesh?

The Gemora answers: Ma'aser on grain is not regarded as a sacrificial matter.

The Gemora asks: This answer is correct according to the opinion who holds that we follow the subject that learns its halachah from the second hekesh. However, according to the one who holds that we follow the subject that teaches the halachah, what is there to say?

The Gemora answers: The blood and meat (of the bechor) is actually one thing (so it is not a hekesh to a different matter; we therefore can learn the halachah of ma'aser from there). (19a – 19b)

Ma'aser Sheini

The Mishna had stated: One who eats kodshei kodoshim etc. (incurs lashes).

The Gemora asks: Did we not learn already (in the first Mishna) that one who eats ma'aser sheini or hekdesch that has not been redeemed incurs lashes?

Rabbi Yosi bar Chanina answers: The latter Mishna is referring to a case where the ma'aser sheini and the person are tahor (pure), and he incurs lashes for eating it outside the wall of Yerushalayim. The former Mishna is referring to a case where the ma'aser sheini and the person are tamei, and he incurs lashes for eating it inside of Yerushalayim..



The Gemora demonstrates how it is known that one is liable for eating ma'aser sheini when either he or it is tamei. It was taught in a braisa: Rabbi Shimon said: It is written: I have not eaten any of it while I was tamei. This means that "I have not eaten ma'aser sheini while I was tamei and it was tahor, or while I was tahor and it was tamei." And where is the warning against eating it? I do not know.

The Gemora cites the verse which warns against eating ma'aser sheini while the person is tamei, but asks as to where is the warning against eating ma'aser sheini when it is tamei.

It is written: You may not eat ma'aser sheini within your cities, and later it is written (regarding a blemished bechor): in your cities, the tamei and the tahor person may eat it together. The Gemora explains: The academy of Rabbi Yishmael taught that this ("together") means that even a tahor person and one who is tamei may eat from the blemished bechor out of the same platter, without any concern (although it will emerge that the tahor person will be eating the meat which is tamei; it became tamei from the contact from the person with bodily tumah). Thus the Torah is saying that the manner which is allowed to you elsewhere (by the blemished bechor) does not apply here (by the ma'aser sheini), and it cannot be eaten together (for it will emerge that a tahor person will be eating ma'aser sheini which is tamei).

Rabbi Elozar cites a verse from where is it derived that ma'aser sheini which has become tamei is redeemable even within Yerushalayim.

Rav Bibi said in the name of Rav Assi that ma'aser sheini which is tahor may be redeemed even within one step of the wall outside Yerushalayim. He cites a Scriptural verse supporting this.

Rav Chanina and Rav Hoshaya sat and raised the following inquiry: What would be the halachah if the ma'aser sheini would be at the very entrance to Yerushalayim (can it still be redeemed)? Obviously if he is outside the wall and his load is inside, he cannot redeem them, as the partitions have already encompassed it. But what would be the halachah if he is within the walls and his load is still outside?

Thereupon a certain aged scholar taught them a braisa of the academy of Rabbi Shimon ben Yochai which said that if the person or his load has entered the walls of the city, the ma'aser sheini cannot be redeemed any longer.

Rav Pappa inquired if this halachah would extend to a case where he was carrying the load on a stick behind him? The question is left unresolved.

Rabbi Assi said in the name of Rabbi Yochanan: One is liable to lashes for eating ma'aser sheini (outside of Yerushalayim) after they have seen the face of the wall. [He incurs lashes if he eats it after it entered the city and then left the city, but not if it never entered at all.] (19b)

INSIGHTS TO THE DAF

THE CHOSEN CITY

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Tosfos (in Megillah 10a) cites the opinion of Rabbeinu Chaim that even if one maintains that the initial sanctification of the Beis HaMikdash was not for all time and it would be forbidden to offer sacrifices on the site of the Temple Altar, one is nonetheless prohibited from offering a sacrifice on a private altar.

Rashi disagrees and holds that if the sanctity of the Beis HaMikdash ceased by its destruction, it would be permitted to offer sacrifices on a private altar nowadays.

The commentators ask on Rabbeinu Chaim: If the sanctity ceased after the destruction, why would it be forbidden to offer sacrifices on a private altar? After the destruction of Shiloh, bamos became permitted, so why not after the destruction of the Beis HaMikdash?

Minchas Chinuch (254:7) writes that although Yerushalayim has lost its sanctity in regards to offering sacrifices and eating kodoshim, the city remains the "chosen place" and the third Beis HaMikdash will be built there. This is why private altars are still forbidden. This is the distinction between Shiloh and Yerushalayim. Shiloh was not the chosen city and when the Tabernacle was

destroyed, there was no vestige of sanctity left in the city and bamos became permitted. Minchas Chinuch states that this is the explanation as to why we are still subject to a prohibition of fearing the Mikdash nowadays, since it is still the chosen place although it has not retained its sanctity.