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Makkos Daf 20

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The Redemption of Ma’aser Sheini

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.]

The Gemora challenges this from a braisa: Rabbi Yosi said: If a Kohen picks a fig of tewel, and before eating it says, “Let the terumah from this fig be situated at its stem; the ma’aser rishon should be in its northern part; the ma’aser sheini should be in its southern part,” this being in a year when ma’aser sheini is due, and he was then in Yerushalayim; or, it was ma’aser for the poor that he designated in its southern side, he being then even in a city outside of Yerushalayim (and he didn’t take off the terumas ma’aser - the Levite takes one tenth of his ma’aser received, and gives it to the Kohen; it has the sanctity of terumah); if he then eats that fig, he receives one set of lashes (for it is still tewel by the fact that terumas ma’aser was not taken from it). If a non-Kohen would eat from it, he would receive two sets of lashes (for eating tewel and terumah). If, however, the non-Kohen would have eaten it before anything was separated from it, he would receive only one set of lashes (for eating tewel).

Implicit in this braisa is that he receives only two sets of lashes for he was in Yerushalayim; however, if he would have been in the other cities, he would receive three sets of lashes (for eating tewel, terumah, and ma’aser sheini outside of Yerushalayim), and this would apply even

though the ma’aser never saw the face of the wall (it never entered Yerushalayim; this contradicts Rabbi Yosi’s viewpoint)!?

The Gemora answers: The case would be that he brought the ma’aser into the city and then took it out.

The Gemora asks: What is the novelty of the ruling then?

The Gemora answers: The case of the braisa was when he brought the produce into the city while it was still tewel, and he took it out in that state as well. [He did not designate the produce as ma’aser until it was outside of Yerushalayim.] The Tanna, who holds that he would be liable for eating it outside of Yerushalayim, maintains that matanos (gift portions, such as terumah and ma’aser) that were not yet separated are considered as if they were separated (and therefore it is regarded as if the ma’aser was already designated inside of Yerushalayim).

The Gemora asks: Does Rabbi Yosi in fact hold that matanos that were not yet separated are considered as if they were separated? The braisa states that Rabbi Shimon ben Yehudah says in the name of Rabbi Yosi: Beis Shammai and Beis Hillel did not argue (whether a certain category of ma’aser sheini can be redeemed or not) regarding fruit that were not yet fully processed, and they passed through Yerushalayim. They agree that the fruit can still be redeemed and eaten anywhere. They only argue regarding fruit that were fully processed, and then passed through Yerushalayim. Beis Shammai says: They must be returned to Yerushalayim and eaten there. Beis Hillel says: They can

be redeemed and eaten anywhere. If you say that Rabbi Yosi holds that it is as if the matanos (in this case ma'aser sheini) were already taken, the walls of Yerushalayim have already encompassed the ma'aser sheini fruits and they should not be able to be redeemed! [How can we say that Rabbi Yosi holds like Beis Shammai, when we always rule like Beis Hillel?]

Rabbah answers: The requirement of having the walls of Yerushalayim in order to eat ma'aser sheini is a Biblical one; however, the halachah that the walls of Yerushalayim absorb the ma'aser sheini (in a way that it cannot be redeemed any longer) is only a Rabbinical one. And the Rabbis only established this decree if the ma'aser sheini is present in its true form, but in a case where it is still in its untithed form, the law does not apply.

Ravina answers (a different question, as explained below): The case is where he takes it with a long reed, and the question of Rav Pappa is answered. (Rav Pappa earlier asked about a case where he went into Yerushalayim, but he was carrying his fruit on a long reed that remained outside of Yerushalayim. He did not answer whether or not this is considered bringing fruit into Yerushalayim. The Gemora later asked why a braisa insinuated that if one would eat ma'aser sheini out of Yerushalayim he would receive lashes, when this is obvious. Ravina answers that this is teaching that even if he went into Yerushalayim and the fruit was hanging off a reed he was carrying outside Yerushalayim, it is as if it already entered Yerushalayim.) (19b – 20a)

#### Mishna

If a person makes a bald spot on his head (due to mourning over a death), or he rounds (i.e. shaves off) the corners of his head, or he destroys the corners of his beard, or he cuts himself due to a death, he is liable to receive lashes.

If he cut himself once over five deaths, or he cut himself five times over one death, he is liable for each (death or cut).

One is liable for two places for rounding the corners of his head, one on each side of his head. One is liable for two spots on each side of his beard area, and one spot under them. Rabbi Eliezer says: If he removed them all at once, he transgresses one prohibition.

He is only liable if he shaves these areas with a razor. Rabbi Eliezer says: If he removed them with different kinds of planes, he is liable. (20a)

#### Bald Spots

The braisa states: The Kohanim shall not make a bald spot on their head. You might think that even if he made four or five bald spots, he will only be liable once (and he will receive lashes only once), the Torah therefore writes: korchah. This (redundancy) teaches us that he is liable for each and every one. What do we learn from the fact that the Torah writes, on their head? Since it is written (with respect to the general prohibition), You shall not gash yourselves nor make a bald spot between your eyes for the dead, you might think that he is only liable if he makes the bald spot (on the scalp) between (above) the eyes. How do we know that he will be liable for the entire head? It is therefore written: on their head. And perhaps this is only with respect to Kohanim, as the Torah included him in being commanded in more commandments; how do we know that an ordinary Jew is liable for making a bald spot on any part of the head? It says korchah by the Kohanim and it says korchah by an ordinary Jew. Just as a Kohen is liable for each and every bald spot and he is liable for making a bald spot on any part of the head, so too, an ordinary Jew is liable for each and every bald spot and he is liable for making a bald spot on any part of the head. And just as an ordinary Jew is liable only if he makes a bald spot while he is mourning for a dead person, so too, a Kohen is



liable only if he makes a bald spot while he is mourning for a dead person.

The Gemora asks: What is the case of the four or five bald spots? If he did them one after the other and was warned each time, this is obvious! Rather, it must have been where he was warned once. However, does this constitute enough warning? The Mishna says: A nazir who drank wine the entire day is only liable once. If they warned him before each and every drink, he is liable for every drink. [This implies that he can only be liable multiple times if he had multiple warnings.]

The Gemora answers: The case is where he dipped each of his five fingers in depilatory cream, and he placed his fingers on five different spots of his head at once. He receives lashes for each of these areas (for the one warning was attached to each of the five actions).

The Gemora asks: How much area must be made bald to transgress this prohibition?

Rav Huna says: It must be apparent on his head (his skin must be able to be seen).

Rabbi Yochanan says in the name of Rabbi Elozar the son of Rabbi Shimon: The size of a bean.

[This is like the following argument among Tannaim. What is the size of a bald spot? The size of a bean.] Others say: It must be apparent on his head.

Rav Yehudah bar Chavivah says: Three Tannaim have different opinions on the matter. One says: The size of a bean. Another says: It must be apparent on his head. Another says: Two hairs. Others take away the opinion of two hairs, and say it must be a lentil (according to the third opinion).

A sign to remember which opinion is left out is the Mishna regarding leprosy: The size of a baheres (light white shade

of leprosy) is a bean, while the size of a michyah (healthy spot) is a lentil.

The braisa states: If someone cuts an amount of hair that fills up the tip of a scissors on Shabbos, he is liable for transgressing Shabbos. How many hairs is this? Rav Yehudah says: This is two hairs.

The Gemora asks: Doesn't the second part of the braisa say that one is liable for a bald spot if he takes two hairs? [This implies that it is a different amount than filling the tip of a scissors!]

The Gemora answers: The braisa should say: And so too regarding a bald spot, the amount is two hairs.

The braisa also supports this. The braisa says: If someone cuts an amount of hair that fills up the tip of a scissors on Shabbos, he is liable for transgressing Shabbos. How many hairs is this? This is two hairs. Rabbi Eliezer says: This is one hair. The Chachamim admit to Rabbi Eliezer that if a person pulls out one white hair from many black hairs, he is liable for transgressing Shabbos. [This is because it is considered an important action, as people are careful not to have even one white hair in an area of black hair.] This is even forbidden (for men) to do during the week due to the prohibition: A man should not wear the garment of a woman. (20a – 20b)

Rounding

The Mishna says: If he rounds (i.e. shaves off) the corners of his head etc.

The braisa says: The "corners of his head" refers to the end of his head (the two temples). What is this? This is a person who evens the sides of his head with behind his ear and his forehead. [Rashi explains that just as one does not have hair immediately behind his ear and on his forehead, he should not shave the area in between them. This is the end



of his head, meaning the last area that has hair towards the front of his head.]

A teacher of braisos taught before Rav Chisda. Both the one who is rounding and the one being rounded are liable. Rav Chisda asked: Should someone who eats dates from a sieve (i.e. the one receiving the haircut has not done any action of prohibition) be given lashes?

The Gemora answers: This must be according to the opinion of Rabbi Yehudah, who says that one receives lashes for negative prohibitions, even though he committed the prohibition in a passive manner.

Rava says: The case is where he rounds the corner of his own head, and is according to everyone.

Rav Ashi says: The case is where he moved closer to help the cutter round his hair.

The Mishna says: If he destroys (i.e. shaves off) the corners of his beard etc.

The braisa says: The “corners of his beard” refers to the end of his beard. What is this? These are the pointed end of his beard. [Rashi explains that these are the five points mentioned in the Mishna.]

The Mishna says: If someone cuts one cut etc.

The braisa says: And he will cut etc. This may also be if he cuts himself over his fallen house, or over his boat which drowned at sea. This is why the verse says, for a soul. He is only liable if it is for a dead person. How do we know that if someone made five cuts for one dead person that he is liable for each one? The verse says: And a cut, teaching that he is liable for every cut. Rabbi Yosi says: If he makes one cut over five dead people, he is liable for each and every dead person, for the verse says, for a soul – to obligate him

for each and every soul. The Gemora explains how he can derive two halachos from the same verse. (20b – 21a)