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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

Drinking is Included in Eating

Rabbi Chiya bar Avin says in the name of Shmuel: If someone swears he will not eat, and he drinks, he is liable. The source for this is both logic and a verse. The logical source is that people say to each other, “Let us go taste something,” and they will then eat and drink. The source from the verse is as stated by Rish Lakish. He says: How do we know that drinking is included in eating? The verse says: *And you will eat before Hashem your God, in the place that He will choose to have His Name dwell there, the tithes of your grain and grapes.* We know that “grapes” refers to wine, and the verse says, *and you will eat.*

The Gemora asks: May we suggest that he drinks it with *anigaron*, for Rabbah bar Shmuel has stated: *Anigaron* is a soup made from cooked beets; *oxygaron* is a soup made from the water of cooked vegetables (*so perhaps he mixed the wine into the anigaron*)?

Rather, Rav Acha bar Yaakov said: It (*that drinking is included in eating*) is from the following verse: *And you shall spend the money for whatever your soul desires, for cattle, or for sheep, or for wine, or for strong drink.* Now, *yayin* is certainly wine, and yet it is written: *and you shall eat there.*

The Gemora asks: Perhaps here as well, he drinks it with *anigaron*?

The Gemora answers that *sheichar* is referring to something which is intoxicating (*and that would be a drink, not a mixture of wine with vegetables*).

The Gemora asks: Perhaps he ate preserved figs from Ke’ilah (*which can be intoxicating*), as it was taught in a *braisa*: One

who eats preserved figs from Ke’ilah, or drinks honey or milk, (*and becomes intoxicated*) and then enters the Temple and performs a service, is liable.

The Gemora answers: It is derived for the following *gezeirah shavah* (*one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah*): Just as the prohibition by a *nazir* only applies to wine, but not to other beverages, so too, with respect to *ma’aser sheini*, it is referring only to wine.

Rava said: We have learned like this from the following *Mishna*: If one took an oath that he is not going to eat, and he ate and he drank, he is only liable once. Now if drinking is included in eating, it is understandable that the *Tanna* is teaching us a novelty that he is only liable once. However, if drinking is not including in eating, what is the novelty of this teaching? If one would take an oath that he will not eat, and he ate and performed labor, would it be necessary for the *Tanna* to teach us that he is only liable once?

Abaye said: But if drinking is included in eating, let us consider the latter part of the *Mishna*: If one took an oath that he is not going to eat and not going to drink, and he ate and he drank, he is liable to two offerings. Now, once he said that he will not eat, he is automatically forbidden in drinking as well (*for drinking is included in eating*); so when he then said that he will not drink, why should he be liable for that (*it is a mere repetition of his first oath*)? If he would say, “I will not drink, I will not drink,” will he be liable for two offerings? [*Of course not; so the same should apply in this case!?*]

The Gemora answers: The case of the *Mishna* is where he first said that he will not drink, and then he said that he will not

eat. For although drinking is included in eating; eating is not included in drinking!

The *Gemora* challenges this explanation: It can be inferred that if he would have said, “I will not eat, I will not drink,” and he went and ate and drank, he would only be liable once. If so, why did the *Mishna* teach the law in the case where one took an oath that he is not going to eat, and he ate and he drank, he is only liable once? The *Mishna* should have stated the case where he said, “I will not eat, I will not drink,” and he went and ate and drank, he would only be liable once, and certainly, he would only be liable once in the case where he only said that he is not going to eat!?

Rather, it must be like it states (*that the eating was mentioned before the drinking*), and here it is different (than the case where he said, “I will not drink” twice), for by saying, “I will not eat,” and then saying, “I will not drink,” he is revealing that his intention of “eating” was eating, and not drinking.

Rav Ashi said: Our *Mishna* is also a proof to this, for the *Mishna* stated: If he swears he will not eat, and he proceeds to eat foods that are not fit for eating, or liquids that are not fit for drinking, he is exempt. We can infer from here that if drinks beverages that are fit for drinking, he would be liable. But why? He merely said that he will not eat!?! [*This proves that drinking is included in eating.*]

The *Gemora* deflects the proof by saying that the case of the *Mishna* could be where he said, “I will not eat, I will not drink.” (22b – 23a)

Separate Oaths

The *Mishna* had stated: If he swears he will not eat, and he eats bread from wheat, barley, and rye, he is only liable once. If he swears that he will not eat bread from wheat and bread from barley and bread from spelt, and he proceeds to eat each one, he is liable for three oaths.

The *Gemora* asks: Perhaps he only meant to exempt himself from other foods (*but he did not mean to separate oaths for each one of those types of bread*)?

The *Gemora* answers: If that would have been the case, he should have merely stated, “wheat, barley, or spelt” (*without mentioning bread at all*).

The *Gemora* asks: But perhaps he said it that way to exclude chewing (*the kernels of*) those grains?

The *Gemora* answers: If that would have been the case, he should have merely stated, “bread of wheat, barley, or spelt” (*without mentioning bread each time*).

The *Gemora* asks: But perhaps he said it that way to exclude eating wheat bread and chewing (*the kernels of*) barley and spelt?

The *Gemora* answers: If that would have been the case, he should have merely stated, “bread of wheat, and that of barley, or that of spelt.”

The *Gemora* asks: But perhaps he only meant to prohibit bread made from a mixture from all three ingredients?

The *Gemora* answers: If that would have been the case, he should have merely stated, “bread of wheat, and likewise that of barley, or likewise that of spelt.” The fact that he repeated “bread” twice was obviously meant to separate his oath into three individual oaths.

The *Mishna* had stated: If he swears he will not drink, and he drinks many beverages, he is liable once. If he swears that he will not drink wine and oil and honey, and he drinks all of them, he is liable for three oaths.

The *Gemora* asks: Why is it regarded as three oaths? What else could he have said? Perhaps he only meant to exempt himself from other beverages?



Rav Pappa said: The case is where these beverages were all standing before him; if he would have wanted to exclude other beverages, he should have just said, "I swear that I will not drink these."

The *Gemora* asks: But perhaps he means that it is only these drinks (*that are before him*) that he will not drink, but other drinks (*even of the same type*) he will drink?

The *Gemora* answers: He could have said, "I swear that I will not drink any beverages such as these."

The *Gemora* asks: But perhaps that would have meant that he will not drink amounts like that, but less than that or more than that he will drink?

The *Gemora* answers: He could have said, "I swear that I will not drink from these types."

The *Gemora* asks: But perhaps that would have meant that he will not drink beverages of this type, but these drinks themselves, he will drink?

The *Gemora* answers: He could have said, I swear that I will not drink these or these types."

Rav Acha the son of Rav Ikka said: The *Mishna* is discussing a case where his friend is urging him to drink, saying to him, "Come and drink with me wine, oil, and honey." He could have said, "I swear that I shall not drink with you." What need is there to specify wine and oil and honey? It is obviously meant to make him liable for each one.

The *Gemora* cites a *Mishna*: If one said to another, "Give me my wheat, barley, and spelt that is in your possession," and the other replies, "I swear that I have nothing of yours in my possession," he is liable only once. But if he says, "I swear that I do not have wheat, barley, and spelt of yours in my possession, he is liable for each one. And Rabbi Yochanan said: Even if there is only a *perutah* of all of them together, they combine (*to make him liable*).

Rav Acha and Ravina disagree (*when the Mishna rules that he is liable for each one*): One says that he is liable for the specifications (*for all three grains*), but he is not liable for the generalizations (*a fourth asham – for swearing that he doesn't have all the grains*); and the other says that he is liable also for the generalizations.

The *Gemora* asks: Now here (*when he swears that he will not eat from the three types of grain*), do they argue as well?

Rava said: The cases cannot be compared. There (*when he is swearing concerning the deposit*) he may be liable for the generalization and for the specification, for if he swears once, and then swears again, he is liable twice. But here, if you think that there is a general oath, why should he be liable for the specifications, since he already stands sworn (*from the general oath*)? [Therefore, they must agree that there is only liability for the three specific oaths, but not for the general one.] (23a – 23b)

INSIGHTS TO THE DAF

Drinking is Included in Eating

Rashi (Beitzah 7) cites a *Gemora* in Chullin that states that if one melts forbidden fats into a liquid and drinks it, he will be liable. This is derived from an extra word in a verse.

Tosfos wonders why an extra word is necessary, if we can use the principle that drinking is included in eating. Tosfos answers that this principle is only said regarding something that is normal to drink. Regarding something that is actually a food item and has now been transformed into a liquid, however, we do not apply the principle that drinking is included in eating and for this reason we need to use the extra word.

Reb Akiva Eiger questions this principle from our *Gemora*, which states that if one took an oath that he is not going to eat and not going to drink, and he ate and he drank, he is liable to two offerings. Now, once he said that he will not eat,



he is automatically forbidden in drinking as well (*for drinking is included in eating*); so when he then said that he will not drink, why should he be liable for that (*it is a mere repetition of his first oath*)? If he would say, "I will not drink, I will not drink," will he be liable for two offerings? [*Of course not; so the same should apply in this case!?*] Reb Akiva Eiger asks that according to Tosfos, we can say as follows: When he takes an oath that he will not eat, the only drinking that is included in that will be beverages that are normal to drink, for such drinks are included in eating; however, beverages that are not normal to be drunk are not included. When he takes the second oath that he will not drink, all beverages are included – even those that are not usual to be drunk; accordingly, all drinks will be included (*even ordinary beverages*)! This is based upon the principle of *issur kollel* – once an oath takes effect on other items, it may include things that otherwise would not have been included!

The *Gemora* in Yoma states that one is required to afflict himself in five different manners on *Yom Kippur*. The *Gemora* asks that there are actually six afflictions, to which the *Gemora* answers that drinking is included in eating. We can pose a similar question to Rabbi Akiva Eiger's on this *Gemora*. Why does the *Gemora* state that there are only five afflictions, when there are actually six afflictions? Drinking a liquid on *Yom Kippur* that was initially a solid will not be included in eating and thus would be deemed a sixth affliction!?

Perhaps we can answer that the distinction posited by Tosfos only applies to something that is an *issur cheftza*, a prohibition in the item itself. *Cheilev*, forbidden fats, is intrinsically forbidden, so we can say that when the fats are transformed into a liquid, it is not included in the conventional prohibition of eating. Regarding *Yom Kippur*, and items forbidden because of a personal oath, however, which are an *issur gavra* -- a prohibition on the person not to consume food, the food is not intrinsically forbidden. Rather, the person is prohibited from eating, so there is no distinction between a conventional liquid and a food that was transformed into a liquid. All liquids are included in the

prohibition of eating on *Yom Kippur*, and all beverages will be included in a person's oath when he swears that he will not eat.

DAILY MASHAL

The Yom Kippur Drunk

Those who arrived early at the village synagogue on *Yom Kippur* eve could not but notice the man sleeping in a corner. His soiled clothes, and the strong scent of alcohol that hovered about him, attested to the cause of his slumber at this early hour. A Jew drunk on the eve of the Holy Day? Several of the congregants even suggested that the man be expelled from the synagogue.

Soon the room filled to overflowing, mercifully concealing the sleeping drunk from all but those who stood in his immediate vicinity. As the sun made to dip below the horizon, a hush descended upon the crowd. The Rebbe entered the room and made his way to his place at the eastern wall. At a signal from the Rebbe, the ark was opened, and the gabbai began taking out the Torah scrolls in preparation for the Kol Nidrei service.

This was the moment that the drunk chose to rise from his slumber, climb the steps to the raised reading platform in the center of the room, pound on the reading table, and announce: "Ne'um attah horeita!" Apparently, the crowded room, Torah scrolls being carried out of the open ark, seen through a drunken haze, appeared to the man as the beginning of hakafot on Simchat Torah! The drunk was confusing the most solemn moment of the year with its most joyous and high-spirited occasion.

The scandalized crowd was about to eject the man from the room when the Rebbe turned from the wall and said: "Let him be. For him, it's already time for hakafot. He's there already."

On the following evening, as the Rebbe sat with his chassidim at the festive meal that follows the fast, he related to them the story of Reb Shmuel, the Kol Nidrei drunk.

On the morning of the eve of the Holy Day, Reb Shmuel had heard of a Jew who, together with his wife and six small children, had been imprisoned for failing to pay the rent on the establishment he held on lease from the local nobleman. Reb Shmuel went to the nobleman to plead for their release, but the nobleman was adamant in his refusal. "Until I see every penny that is owed to me," he swore, "the Jew and his family stay where they are. Now get out of here before I unleash my dogs on you."

"I cannot allow a Jewish family to languish in a dungeon on Yom Kippur," resolved Reb Shmuel and set out to raise the required sum, determined to achieve their release before sunset.

All day, he went from door to door. People gave generously to a fellow Jew in need, but by late afternoon Reb Shmuel was still 300 rubles short of the required sum. Where would he find such a large sum of money at this late hour? Then he passed a tavern and saw a group of well-dressed young men sitting and drinking. A card-game was underway, and a sizable pile of banknotes and gold and silver coins had already accumulated on the table.

At first he hesitated to approach them at all: what could one expect from Jews who spend the eve of the Holy Day drinking and gambling in a tavern? But realizing that they were his only hope, he approached their table and told them of the plight of the imprisoned family.

They were about to send him off empty-handed, when one of them had a jolly idea: wouldn't it be great fun to get a pious Jew drunk on Yom Kippur? Signaling to a waiter, the man ordered a large glass of vodka. "Drink this down in one gulp," he said to the Reb Shmuel, "and I'll give you 100 rubles."

Reb Shmuel looked from the glass that had been set before him to the sheaf of banknotes that the man held under his nose. Other than a sip of l'chayim on Shabbat and at weddings, Reb Shmuel drank only twice a year — on Purim and Simchat Torah, when every chassid fuels the holy joy of

these days with generous helpings of inebriating drink so that the body should rejoice along with the soul. And the amount of vodka in this glass — actually, it more resembled a pitcher than a glass — was more than he would consume on both those occasions combined. Reb Shmuel lifted the glass and drank down its contents.

"Bravo!" cried the man, and handed him the 100 rubles. "But this is not enough," said Reb Shmuel, his head already reeling from the strong drink. "I need another 200 rubles to get the poor family out of prison!"

"A deal's a deal!" cried the merrymakers. "One hundred rubles per glass! Waiter! Please refill this glass for our drinking buddy!"

Two liters and two hundred rubles later, Reb Shmuel staggered out of the tavern. His alcohol-fogged mind was oblivious to all — the stares of his fellow villagers rushing about in their final preparations for the Holy Day, the ferocious barking of the nobleman's dogs, the joyous tears and profusions of gratitude of the ransomed family — except to the task of handing over the money to the nobleman and finding his way to the synagogue. For he knew that if he first went home for something to eat before the fast, he would never make it to shul for Kol Nidrei.

"On Rosh HaShanah," the Rebbe concluded his story, "we submitted to the sovereignty of Heaven and proclaimed G-d king of the universe. Today, we fasted, prayed and repented, laboring to translate our commitment to G-d into a refined past and an improved future. Now we are heading towards Sukkot, in which we actualize and rejoice over the attainments of the 'Days of Awe' through the special mitzvot of the festival — a joy that reaches its climax in the hakafot of Simchat Torah. But Reb Shmuel is already there. When he announced the beginning of hakafot at Kol Nidrei last night, this was no 'mistake.' For us, Yom Kippur was just beginning; for him, it was already Simchat Torah...."