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Yoma Daf 80

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

It was taught: Rebbe said: All the legal standards [for foods] are the size of an olive, with the exception of that of the tumah of foods, because there Scripture has used a different expression and the Sages accordingly have altered the standard. The proof for this view<sup>1</sup> is furnished by Yom Kippur. - What is the change in the usual expression in connection with it? — [It follows] from: [For whatever soul it be that] shall not be afflicted. And what is the change in the usual quantity the Sages have decreed here? — ‘As much as a date’. And what constitutes the proof from Yom Kippur?<sup>2</sup> One could have replied: Here it is the usual Scriptural expression.<sup>3</sup> (79b3 – 80a1)

From where do we know that the minimum for the tumah of foods is the size of an egg? — Said Rabbi Avahu in the name of Rabbi Elazar: Scripture says, From any food which may be eaten, i.e., food derived from food, and that is an egg of a hen. But say it is a kid? That still requires slaughtering. But say it is an animal taken alive out of the slaughtered mother's womb?<sup>4</sup> — That still requires cutting open. Then say: the egg of bar-yokani?<sup>5</sup> — If you take hold

of too large a thing, you may lose your hold, but if you take hold of the lesser thing, you will retain your hold’.<sup>6</sup> But say: the egg of a little bird, that is very small? — Rabbi Avahu said in his own name: ‘From any food that is eaten’, i.e., food which you may eat in one swallowing; and the Sages measured that the esophagus cannot hold more than the size of a hen's egg. (80a1 – 80a2)

Rabbi Elozar said: If one has eaten cheilev in these times, he must put down [make a note of] the quantity, because another Rabbinical Court may come and increase the measures.<sup>7</sup> What does increase the measures mean? Would say you that they would declare one obliged to bring a chatas-offering for having eaten the size of a small olive, but it was taught: When a ruler sins, and does through error any one of all the things [which Hashem his God has commanded] not to be done, and is guilty, i.e., only he who repents when he finds out his transgression must bring a sacrifice, because of his error, but he who does not repent when he finds out his transgression, does not bring a sacrifice for his error.<sup>8</sup> Rather, therefore, must

<sup>1</sup> That when the Torah changes from the usual expression, the law changes as well.

<sup>2</sup> There seems to be no difference between the law regarding tumah of foods and that covering the prohibition of food on Yom Kippur. In both cases change in expression is responsible for change in measure. Where, then, lies the reason for Yom Kippur text being chosen as a proof?

<sup>3</sup> In the text relating to the tumah of foods the expression ‘From any food which may be eaten’ (which is the change in the usual expression alluded to) would not appear an unusual expression. But ‘that shall not be afflicted’ for ‘that shall eat’ is indeed, unusual and thus accounts best for the change in measure determined by the Rabbis.

<sup>4</sup> Such an animal, where the mother in whose womb it still was, was slaughtered properly, is considered ready food, since it does not require shechitah.

<sup>5</sup> A bird of a humongous size, the eggs of which are very large.

<sup>6</sup> In the case of two possible interpretations, always choose the smaller as the more likely one.

<sup>7</sup> Rabbi Elozar suggested that if the Bais haMikdash is rebuilt in his days and a new Rabbinical Court were in session, they might render such decision. Hence one who is conscious of having eaten cheilev may well take the precaution of putting down the exact quantity so as to be sure that his transgression does, or does not, involve the obligation of a chatas-offering, in accord with the new enactment of the revived court.

<sup>8</sup> As he became conscious of his transgression, the new enactment was still unknown, the quantity of a small olive to him, hence, was below the minimum required for a transgression to be constituted, hence he has not ‘found out his transgression’, and is not required to offer up a sacrifice in atonement of his sin.

['increase the measures'] signify that they would declare a sacrifice obligatory only when he had eaten a quantity as large as a large olive. But according to the first view, viz., that they could impose a sacrifice even for the quantity of a small olive, what does 'increase the measure' mean? — It might mean increase the number of sacrifices' required because of the reduced minimum of the quantities. (80a2 – 80a3)

Rabbi Yochanan said: Standard measures and punishments are fixed by laws [communicated] to Moshe on Sinai. But the punishments are written out in Scripture? — Rather: The minimum required for punishments is fixed by laws [communicated] to Moshe on Sinai. It was also taught thus: The minimum required for punishments are fixed by laws [communicated] to Moshe on Sinai. Others say: The Court of Yabetz<sup>9</sup> fixed them. But Scripture said: These are the commandments, which means that no prophet is permitted to introduce any new law from then on? — Rather: They were forgotten and then they established them anew. (80a3)

The Mishnah had stated: Or if he drank a mouthful. Rav Yehudah said in the name of Shmuel: Not really a mouthful, but so much that if he moves it to one side it looks like a mouthful. But we learned: A mouthful. — Say: 'As much as a mouthful'. An objection was raised: 'How much must one have drunk to become culpable? Beis Shammai say: One fourth [of a log], Beis Hillel say: One mouthful. Rabbi Yehudah in the name of Rabbi Eliezer says: As much as a mouthful. Rabbi Yehudah ben Beseirah

says: As much as can be swallowed at a time! Is this one better than our Mishnah which we explained as meaning: 'That it looks like a mouthful', and this, too, we can explain: That it looks like a mouthful. But if so, it is the same opinion as that of Rabbi Eliezer? — There is a difference in the case of an exact mouthful.<sup>10</sup> Rabbi Hoshaya demurred to this: If so, there would be a [another] case in which Beis Shammai took the more lenient view, and Beis Hillel the stricter one?<sup>11</sup> — He replied to him: When this came up for discussion, it came up in connection with 'Og, king of Bashan', so that Beis Shammai will be found to take the stricter view. —

Rabbi Zeira asked a strong question: To what difference is it due that, with regard to eating, the minimum of a date was fixed for everyone, whereas in the case of drinking each has [his minimum] in accord with his own [mouthful]? — Abaye replied to him: Regarding food the Rabbis established that with [the quantity of] a date a person's mind is put at ease, but with a smaller quantity his mind will not be put to ease; but with regard to drinking [they have found] that a man's mind will be put to ease with the quantity of his own [mouthful], but not with less than that. — Rabbi Zeira then asked another strong question: 'All the world' with a date and Og, the king of Bashan, also with a date? — Abaye replied: The Rabbis have ascertained that [regarding food] the quantity [of a date] one's mind is put at ease, but with a smaller quantity one's mind is not put at ease; but, whereas all the world [one's mind is put at ease] more so, Og, king of Bashan,<sup>12</sup> [only] somewhat so. Rabbi Zeira again asked

<sup>9</sup> Identified with Osniel, the son of Kenaz; after the death of Moshe he revived the forgotten portions of the law.

<sup>10</sup> According to Beis Hillel who say a mouthful, it is enough if it looks like a generous mouthful when moved to one cheek; according to Rabbi Eliezer the appearance of an exact mouthful is required.

<sup>11</sup> In the fourth chapter of Eduyos all cases are enumerated in which, as against the usual norm, Beis Shammai take the more lenient, and Beis Hillel the stricter view. If our text were right it should have been enumerated as an additional exception, because here too the usual attitudes of these two conflicting schools of learning are reversed, since Beis Hillel maintains that

he is liable for what appears like a mouthful, which is less than the minimum required by Beis Shammai.

<sup>12</sup> I.e., this teaching refers to the case of men as gigantic as Og, king of Bashan; in such cases Beis Shammai will be found to have taken, as usual, the stricter view. For according to that school the minimum incurring punishment for any man is a fourth of a log, whereas according to Beis Hillel it is for each according to his mouthful. According to Beis Shammai, therefore, an 'Og, king of Bashan' would become culpable on drinking, what to him would be less than a drop, whereas according to Beis Hillel he would incur punishment only when drinking the generous measure of his own mouthful.

another strong question: Fat meat in the quantity of one date and wine-branches also in the quantity of one date? — Abaye replied: The Rabbis have ascertained that one's mind is put at ease with so much, but not with less; with [this quantity of] fat meat one becomes, however, more satisfied, while with the same quantity of wine-branches one becomes less so. (80a3 – 80b1)

Rava asked a strong question: The quantity of an olive, during the time one could eat a peras,<sup>13</sup> — and the quantity of a date during the time required for eating a peras! — Abaye replied: The Rabbis have ascertained that if it [the eating of the quantity of a date] takes so long [as one could eat a peras] one's mind will be put to ease, but if longer his mind will not be put to ease. Rava asked another strong question: The quantity of a date, during the time required for the eating of a peras, and half a peras during the time required for the eating of a peras?<sup>14</sup> — Rav Pappa answered: Leave alone the tumah of the body, which is not determined by Biblical law. But could Rav Pappa have answered thus? Is it not written: Do not make yourselves tamei with them, lest you become contaminated through them, and Rav Pappa said that from here is derived the Biblical origin of the [laws concerning] the body's becoming tamei [through tamei foods]? — It is really Rabbinical, and the verse cited is merely a Biblical allusion. (80b1 – 80b2)

The Mishnah had stated: All foods complement one another in making up the bulk of a date. Rav Pappa said: If one ate a piece of raw meat with salt, they are combined; and although [salt] in itself is no food, since people eat [the two] together, they are combined. Rish Lakish said: The juice on the green [vegetables] combines so as to

<sup>13</sup> Peras, lit., 'a piece (of bread)'. It is defined as half a loaf, three of which make a kav. The time it takes to eat such a quantity is the maximum within which morsels of food smaller than the minimum measure are considered to join in order to make up the minimum incurring punishment.

<sup>14</sup> If one has eaten half a peras of tamei food during the time it takes to eat a peras of food, one is considered tamei and may not partake of sacred

make up [with the vegetable] the [quantity of a] date in connection with Yom Kippur. But that is self-evident? You might have said: It is a beverage, therefore he informs us that whatever is used for seasoning food is considered as food. (80b2)

Rish Lakish said: If one eats an excessive meal on Yom Kippur, he is free from punishment. Why? Scripture said: That shall not be afflicted, and that excludes whatever causes harm.<sup>15</sup> (80b3)

Rabbi Yirmiyah said in the name of Rish Lakish: If a non-Kohen eats excessively of terumah, he pays the principal, but not the [fine of the] additional fifth, for Scripture says: And if a man eats, which excluded one causing harm. (80b3)

Rabbi Yirmiyah said in the name of Rabbi Yochanan: A non-Kohen who chews barley of terumah must pay the principal, but not the additional fifth, for Scripture said: 'If a man eats', that excludes one causing harm. (80b3 – 81a1)

Rav Shizvi said in the name of Rabbi Yochanan: If a non-Kohen swallowed plums of terumah, and spat them out, and another one ate them, then the first pays the principal, and the fifth, whereas the second does not pay more than their wood [fuel] value. (81a1)

## INSIGHTS TO THE DAF

### *Yom Kippur's Eating is Different*

The Gemora states that in order to be liable for eating on Yom Kippur, one must eat food the size of a date. This must be eaten in the time it takes to eat a half a loaf.

foods. Half a peras is as two 'friendly' (generous sized) eggs, equal in size to three ordinary eggs.

<sup>15</sup> The man causes harm to himself by excessive eating and thus is also afflicting himself, or at least not enjoying himself. Rashi suggests that since we eat lavishly on the eve of Yom Kippur, a meal taken immediately afterwards, i.e. after the incidence of the fast, would constitute excessive eating.



By all other prohibitions in the Torah, there is a halacha that one must eat it in the normal manner in order to be liable. The Shagas Aryeh rules that if one eats raw meat on Yom Kippur, he would have violated the Torah's prohibition. This is because the Torah does not state by Yom Kippur "Don't eat," rather the Torah states "you should be afflicted." It therefore does not have the standard guidelines of eating.

The Ksav Sofer rules, based on this, that if one ate before Yom Kippur an amount less than a date and on Yom Kippur ate more which accumulatively equals a date and he is satiated, he will be liable for eating on Yom Kippur. This again can only be understood by saying that we must distinguish between the 'eating' on Yom Kippur and elsewhere. This person did not eat the full amount on Yom Kippur and yet has violated the transgression. On Yom Kippur, the prohibition is not to eat in a manner that will lead to satisfaction.

The Achiezer discusses if one would be allowed to have food inserted through intravenous. The reason to say that it is not permitted is because the Torah is not particular on the action of eating, rather the satiation that comes from it.

This could be the explanation in our Gemora. Even though one who eats food in the amount of a date in a longer span that it would take to eat a half a loaf is considered eating, however he is not satiated through this and hence not liable.

#### ***Halachos that were Forgotten***

The Gemora brings an argument regarding "amounts." One Tanna holds that all the "amounts" are learned from a Halachah l'Moshe mi'Sinai and others hold that the court of Asniel ben Knaz established them and later they were forgotten and reestablished.

The Rambam states that it is impossible to argue on a Halachah l'Moshe mi'Sinai and there cannot be arguments regarding that halachah.

The Brisker Rov explains our Gemora. The first Tanna held that the halachah of 'amounts' were never forgotten and therefore there is no court that can ever change or argue on this. There is never a possibility that a future court will say that one will not be liable unless a larger שיעור is eaten. The second opinion held that this halachah was from the three thousand halachos that were forgotten in the time they were mourning for Moshe. The beis din of Asniel was able to reestablish these halachos using the thirteen principles that the Torah can be expounded with. Therefore it is possible that a future beis din can come and disagree or change the size of certain amounts.

#### **DAILY MASHAL**

The Gemara states that after the Torah was given to Moshe at Sinai, a prophet is not permitted to innovate any law. It is interesting to note that the laws of muktzeh appear to be innovative laws, yet do not constitute a contradiction to this Gemara.

The Rambam and Raavad both offer various reasons for the institution of muktzeh, so it is clear that muktzeh is not an innovation. Rather, the prohibition of muktzeh was instituted as a safeguard for the biblical laws of Shabbos, and the laws of muktzeh also allow one to observe Shabbos properly without the distractions that one is faced with during the weekday.