



THE SHABUOT MATTERS

שבת קודש פרשת לך לך | מסכת יבמות דף ע"ד

INSIGHTS FROM OUR CHABUROS

Smearing Impure Maaser Oil Upon One's Body

מנין למעשר שני שנטמא שמותר לסוכו

Reish Lakish learns that it is permitted to smear impure maaser sheni oil on one's skin. Rashi explains that the reason Reish Lakish arrives at this conclusion only based upon a scriptural source is that we might have thought that סיכה כשתיה—smearing upon one's skin is parallel to drinking. If we would take this to an extreme, we might have mistakenly said that just as drinking impure maaser is prohibited, so too is it prohibited to smear impure maaser upon one's skin. The lesson of the verse is that this restriction of consuming impure maaser is only applicable by actual eating or drinking, and not in reference to סיכה, which is only compared to drinking.

Tosafos (ד"ה חנין) explains that the verse is necessary in order that we not prohibit smearing oil upon one's skin due to it being a type of destruction of the oil. It is prohibited to destroy maaser, even if it is impure. The lesson of the verse is that spreading oil upon one's skin is not a destructive manner of using the maaser, but it is permitted because smearing oil is beneficial for one's body, just as is drinking a beverage.

According to Rashi, comparing smearing of oil to drinking was a factor of concern, which would have made us think that using this oil was prohibited, but the verse comes to permit it. According to Tosafos, we would have logically thought that smearing oil is prohibited, and the verse comes to allow us to use the comparison between smearing oil and drinking as a factor that mitigates our concern and permits this.

Or Sameach (to Rambam, Hilchos Maaser Sheni 3:10) points out that Rashi holds that סיכה כשתיה is a Torah concept, and this is why Rashi learns that using impure oil on one's skin would only have been considered as drinking, and not as a destructive usage. Tosafos (Niddah 32a) holds that סיכה כשתיה is a rabbinic concept. Therefore, smearing oil on one's skin was not viewed as proper usage of the maaser. This could not have been interpreted as drinking the impure oil in that the verse would be needed to deal with this as a form of drinking. Rather, Tosafos understood that the הוה אמינא was that this is a case of improper use of the oil, and that it would be prohibited due to it being considered destructive. The verse, however, allows it.

STORIES OFF THE DAF **Yearning Purifies!**

טבל ועלה אוכל במעשר, הערב שמשו אוכל בתרומה, הביא כפרה אוכל בקדשים

Once, two talmidei chachomim were seated together at a chasunah, one was a Gerrer Chassid and the other a product of the Lithuanian yeshivos. During the seudah, the latter turned to his table-mate and said, "Nu, tell me over a vort from your Rebbe, the Imrei Emes," zt"l.

The Chassid thought a moment and said, "I just learned Yevamos 74b. There it states that once a kohen has immersed and the sun has set, he can already eat teruma even though he has not yet brought his offerings. My Rebbe said about this: 'Really the kohen should wait to eat until he has attained full atonement by bringing his offerings. For this reason, a kohen who hasn't yet done so cannot eat kodshim. However, the verse says (Vayikra 22:7), 'And the sun will come and he will become pure, and afterwards he will eat from the kodshim since this is his bread.' This doesn't mean merely his physical bread. It also means that his spiritual life is contingent on this mitzvah. This principle teaches us a great fundamental principle that applies to everyone. One who is filled with yearning can come close to Hashem even if he is not yet completely pure! The yearning itself renders him pure, and will eventually purify him completely!"

The listener seemed unimpressed by these words. "That sounds a little farfetched since on a simple level these are גזירות הכתובים. I have never seen that yearning is of such significance."

The Chassid answered, "Maybe you are not looking in the right places! The Ramchal writes that one of the greatest things one can do is hope to Hashem. Without this, one is filled with worries and is distant from Hashem, and is liable to punishment. This is the meaning of the verse, 'Chabakuk came and stood the entire Torah upon a single principle—the righteous lives by his faith.' What is faith? It is hope, the natural outgrowth of emunah! All of our deliverance depends on this, knowing that even though we are not yet pure, if we will only hope in Hashem we will surely be redeemed. This is why we end off the book of Eicha with the words: 'Restore us, Hashem, to You and we will return. Renew our days as of old!'

PARSHA CONNECTION

In this week's daf we find a discussion concerning the need to be נוהל (circumcised) to eat מעשר שני וקדשים. The Mitzva of מילה was given to אבינו in this week's Parsha as a covenant between אברהם and הקב"ה. Why was this mitzva chosen as the one מצוה which represents a covenant between us and הקב"ה? The ספרנו on the verse עולם לברית עולם offers a fascinating insight. The Mitzva of מילה was chosen because it represents an ongoing eternal bond between us and Hashem. By performing a Mitzva on the obodily organ that represents reproduction and continuity we are affirming the everlasting bond, which is not limited to one generation but rather continues indefinitely.

HALACHA HIGHLIGHT

Burning Maaser
Sheni

ואימא ליקח לו ארון ותכריכים

Perhaps it refers to [using the maaser sheni funds for] the purchase of a casket or shrouds

Rashi¹ explains that the Gemara's question relates to the permissibility of using maaser sheni that is tamei to purchase a garment; however, maaser sheni that is tahor may only be used for eating, drinking, and anointing. This implies that maaser sheni that is tahor may not be used for lighting. Therefore, a person in possession of maaser sheni tahor is not permitted to derive benefit from it even as it is burning.

Shulchan Aruch² rules that nowadays it is permitted to transfer a large quantity of maaser sheni sanctity onto a small piece of fruit and then burn the fruit that contains the large concentration of the maaser sheni sanctity. Vilna Gaon³ notes that this ruling, that the maaser sheni may be burned, applies only to maaser sheni that became tamei, but if the maaser sheni is tahor it is prohibited to burn it.

Clearly, Vilna Gaon maintains that it is not permitted to burn maaser sheni that is tahor under any circumstances, even if no benefit is derived from the burning process. Maaser sheni that is tamei, however, may be burned, but no benefit may be derived from this process of destroying it. Although this conclusion is in direct contradiction to Rav Ovadiah of Bertinoro, the majority of authorities agree that one is not permitted to burn maaser sheni that is tahor even if one will not derive benefit from the burning produce.

Accordingly, if one is faced with the necessity to destroy maaser sheni (בזמן הביעור) it will not be permitted to burn the maaser sheni on Yom Tov. The reason is that lighting a fire for no purpose is prohibited on Yom Tov. Furthermore, burning tahor maaser sheni is never permitted and although it is permitted to burn impure maaser sheni one is not permitted to derive benefit from that fire. Consequently, the maaser sheni may not be burned on Yom Tov⁴.

1. רש"י ד"ה ואימא
2. שו"ע יו"ד סי' של"א סעי' קל"ג
3. ביאור הגר"א שם ס"ק ר"ב
4. ספר אחרית השנים שם

POINT TO PONDER

The Gemara brings a ברייתא which says that one who had an incomplete ברית מילה, i.e., there are still remaining invalidating fragments (ציצין המעכבין), cannot eat תרומה or פסח. Why would I assume that he would be able to eat תרומה, that we need a special ברייתא to teach us that he can't eat תרומה? Since these are part of the מילה it should be considered like he is not yet circumcised and of course he can't eat פסח or תרומה?

Response to last week's Point to Ponder:

The Gemara discusses whether an ערל can eat מעשר. According to Rabbi Akiva who says that an ערל is like a טמא, shouldn't an ערל be similarly barred from eating מעשר since a טמא cannot eat מעשר?

The גמרא at this stage is assuming that רבי עקיבא who said that ערל כטמא didn't say it for everything, just like ע"ב on רבא (See ערוך לנר).

REVIEW AND REMEMBER

1. Who is permitted to eat maaser rishon?
2. Does a גזירת שוה have to be open in order to be valid?
3. What are the three stages in becoming tahor?
4. Is it ever possible for a female convert to eat teruma?

ר' יוסף שמואל שמעלקא ב"ר יצחק מערמעלשטיין ז"ל, Shelly Mermelstien, לע"נ has been dedicated

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