



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Yevamos Daf Ayin Gimmel

- **Q:** They asked **R' Sheishes**, what is the Halacha with regard to an arel eating maaser sheini? Do we say that just as we learn Pesach from maaser sheini regarding the issur of aninus, we also learn maaser sheini from Pesach regarding the issur of arel, or do we say that we only learn the more stringent one (Pesach) from the more lenient one (maaser), but not the other way around? **A:** **R' Sheishes** said, a Mishna gives a number of chumros that apply to terumah and bikkurim, but which don't apply to maaser sheini. If it is true that an arel may eat maaser, then the issur of areilus should have been added to the list of the Mishna! It must be that an arel may not eat maaser as well.
  - The Gemara says that it may be that an arel may eat maaser. Although it is not listed in the Mishna, we find other things that are omitted from the lists in that Mishna as well (the Mishna fails to mention that a chumra shared by bikkurim and maaser and not by terumah is that if one eats maaser or bikkurim when the food is tamei he is chayuv malkus), so the Mishna is not meant to be an exhaustive list.
  - The Mishna referenced above says that an onein is assur to eat maaser and bikkurim, although **R' Shimon** says that an onein may eat bikkurim.
    - The **T"K** says, the pasuk discusses maaser next to "terumas yadecha", which refers to bikkurim. They are listed together to teach that just like maaser is assur to an onein, the same is true for bikkurim. **R' Shimon** holds that the pasuk refers to bikkurim as terumah to teach that just as terumah is mutar to an onein, the same is true for bikurim.
      - This also explains why the **T"K** holds that bikkurim are chayuv in the mitzvah of "bi'ur" like maaser, and **R' Shimon** holds that it is not.
  - The Gemara had said that one may not burn tamei maaser or bikkurim for personal benefit, and one who eats maaser or bikkurim that are tamei gets malkus. This is taught in a Braisa, where **R' Shimon** says, the pasuk says "lo vi'arti mimenu b'tamei", the person says that he did not burn the maaser whether he was tamei and the maaser was tahor, or whether he was tahor and the maaser was tamei, however I am not sure where a person is warned against eating the maaser when tamei. [The Gemara asks, that a pasuk explicitly says that one who is tamei may not eat maaser!? The Gemara explains that **R' Shimon** meant that he was looking for a source for the issur of a tahor person eating maaser that is tamei.] The Braisa explains, the pasuk of maaser says one may not eat maaser in the cities. A pasuk regarding a bechor or kodashim that have a mum says that they may be eaten in the cities, whether the food itself is tamei or tahor. The Torah is teaching that that which may be eaten by the kodashim with a mum (where the food itself is tamei), may not be eaten by maaser (tamei maaser may not be eaten).
  - The Gemara said that tamei terumah may be burned for personal benefit. **R' Avahu in the name of R' Yochanan** explained, we learn this from the pasuk regarding maaser that says "I did not burn it while tamei". This teaches that only it (maaser) may not be burned when tamei, but oil of tamei terumah may be burned.
    - **Q:** Maybe we should instead learn from the pasuk that oil of tamei kodashim may be burned for personal use!? **A:** We would not say that, based on a kal v'chomer: if the lenient maaser may not be burned for personal use when tamei, surely kodashim may not be burned in this way either.

- **Q:** Why don't we say this same kal v'chomer for terumah and prohibit it from being burned? **A:** The pasuk said "mimenu" ("it"), which taught that tamei terumah may be burned.
  - **Q:** Why do we decide that terumah is what is meant to be allowed and kodashim is what is meant to remain assur? **A:** It makes more sense to be stringent by kodesh because it has the stringencies of piggul, nossar, korbon, me'ilah, kares, and assur to an onein.
  - **Q:** Terumah also has stringencies of death by Heaven, chomesh, it cannot be redeemed, and is assur to a non-Kohen!? **A:** Kodashim has more stringencies. **A2:** The stringency of kares is stronger than death by Heaven, and therefore makes kodashim to be considered as more stringent.
- The Gemara had said, one who eats maaser or bikkurim when the food is tamei will get malkus, whereas one who eats terumah when the food is tamei will not get malkus. This suggests that there is an issur to eat terumah that is tamei. The Gemara says we learn this from the pasuk referenced earlier regarding the allowance to eat kodashim with a mum that have become tamei. The pasuk says that "it" may be eaten when tamei. We darshen that only "it" may be eaten when tamei, but terumah may not be eaten when tamei. Since this is learned from an assei, it is a "lav habah michlal assei" and therefore does not carry malkus.
- **R' Ashi** said, we can even see from the first Mishna that the Tanna left out some items, thus showing that the list in the Mishna is not an exhaustive list, because the Mishna does not mention that terumah and bikkurim apply during all years of the shmitta cycle (other than shmitta itself), and cannot be redeemed, whereas maaser does not apply during all the years of the shmitta cycle (it is only given in Years 1,2,4 and 5) and may be redeemed.