

NOTES

**Tereifa – טריפה:** Generally speaking, a *tereifa* is an animal that is suffering from a condition that will cause it to die within twelve months. It is prohibited by the Torah to eat an animal that has been injured or is stricken with a disease of this nature, although the actual source for this prohibition is a matter of dispute. Some authorities cite Exodus 22:30: “You shall not eat any flesh that is torn of beasts in the field,” while others suggest Deuteronomy 14:21: “You shall not eat of any thing that died of itself.” According to the *Minhat Hinnukh* and others, both verses together serve as the source for the prohibition.

HALAKHA

He was already sworn and obligated at Mount Sinai – **מושבוע ועומד מהר סיני הוא:** One who swears not to eat and then eats foods prohibited by the Torah is exempt from the punishment incurred for breaking an oath. If one swears not to eat any amount of food from a *neveilla* or a *tereifa* and eats less than an olive-bulk, he is liable with regard to the oath because at Mount Sinai he was not swear off eating less than a full measure (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 5:7, and in the comments of the *Kesef Mishne* and *Lehem Mishne*).

רבי יוחנן אמר: אסור מן התורה, ריש לקיש אמר: מותר מן התורה. הניחא לרבי יוחנן, אלא לריש לקיש מאי איבא למימר? מודה ריש לקיש שאסור מדרבנן.

אי הכי לא נתייב עליה קרבן שבועה, אלמא תנן: שבועה שלא אוכל, ואכל נבילות וטריפות שקצים ורמשים – חייב, ורבי שמעון פוטר.

והוינן בה: אמאי חייב? מושבע ועומד מהר סיני הוא! רב ושמואל ורבי יוחנן דאמרי: בכלל דברים המותרים עם דברים האסורין.

וריש לקיש אמר: אי אתה מוצא אלא במפרש חצי שיעור ואליבא דרבנן, או בסתם.

Rabbi Yoḥanan said: It is prohibited by Torah law, and the Torah prohibits even a minute amount of forbidden substance. Reish Lakish said: It is permitted by Torah law. This explanation works out well according to the opinion of Rabbi Yoḥanan. However, according to the opinion of Reish Lakish, what can be said? The Gemara answers: Reish Lakish concedes that a half-measure is prohibited by rabbinic law. If so, Reish Lakish, too, will say that eating or drinking a half-measure is prohibited on Yom Kippur, by rabbinic law.

The Gemara asks: If so, if according to Reish Lakish there is a rabbinic prohibition to eat a half-measure, one should not be liable to bring an offering for breaking an oath to eat a half-measure of forbidden foods. Why, then, did we learn in a mishna otherwise: He who swore the following oath, an oath that I will not eat, and then ate unslaughtered animal carcasses, *tereifot*,<sup>N</sup> reptiles, or creeping animals, he is liable to bring an offering for violating his oath. Rabbi Shimon exempts him.

And we discussed it: Why should he be liable for breaking an oath? He was already sworn and obligated at Mount Sinai,<sup>H</sup> along with the rest of the Jewish people, not to eat these things. According to *halakha*, an oath does not take effect if it contradicts a previously existing oath. The second oath to not eat has no effect in terms of eating forbidden foods, so why should one be liable for breaking it? Rav, and Shmuel, and Rabbi Yoḥanan say with regard to this: Here we are dealing with a case where one includes permitted foods with forbidden foods. This means that had one sworn only not to eat unslaughtered animal carcasses or *tereifot* and then ate them, he would not be liable for breaking the oath because he was already sworn not to eat those foods. However, if one swore not to eat at all, his oath takes effect on permitted foods. Consequently, if he eats any food he is liable.

And Reish Lakish said: The only application of this mishna you will find is in a case where one explicitly says that he will not eat a half-measure, and this is in accordance with the opinion of the Rabbis. They say that when one swears that he will not eat, he prohibits himself only from eating a whole measure of food. If he eats a half-measure, he has not violated a prohibition. Therefore, in order for a half-measure to be prohibited, he needs to specify this in his oath. Or, you find it in the case of one who makes no specification at all of a half-measure,

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**An oath of testimony – שבועת העדות:** The laws of an oath of testimony are mentioned in the Torah (Leviticus 5:1) and are explored in depth in tractate *Shevuot*. If a litigant finds witnesses who are capable of testifying on his behalf and has them swear that they will testify, they must bring a particular type of sin-offering if they do not then testify. This issue is considered a detail of monetary law, and the oath takes effect only with regard to one who is eligible to give testimony.

**To exclude a king – למעוטי מלך:** The Sages debate whether the freedom that a king has from testifying is a Torah exemption to preserve his honor or a rabbinic exemption relating to the kings of the northern kingdom of Israel, who did not observe Torah law (see *Tosefet Yom HaKipurim*; *Gevurat Ari*). In practice, a king does not take the oath of testimony.

ואליבא דרבי עקיבא. דאמר: אדם אוסר עצמו בכל שהוא.

וכי תימא בין דאית ליה היתר מן התורה – קא חייל קרבן שבועה, והתנן: שבועת העדות אינה נוהגת אלא בראויין להעיד. והוינן בה: למעוטי מאי? רב פפא אמר: למעוטי מלך.

and the mishna is in accordance with the opinion of Rabbi Akiva, who said: A man prohibits himself from any amount. If a man swears that he will not eat, he thereby prohibits himself from eating even the smallest amount of food. Therefore, Reish Lakish himself maintains that eating a half-measure does not constitute a prohibition.

And if you say: Perhaps Reish Lakish maintains that since a half-measure is permitted by Torah law, despite the fact that it is prohibited by rabbinic law, one is liable to bring an offering for violating an oath, then there is the following problem: Didn't we learn in a mishna: An oath of testimony<sup>N</sup> where one is sworn to give testimony on something that he saw or knew, applies only to those who are eligible to give testimony. If one who is ineligible to testify swears an oath to give testimony, the oath is invalid even if he does not testify. And we discussed it: The statement: Those who are eligible to give testimony, comes to exclude what? After all, it was already said that the oath does not apply to women, relatives, and other disqualified people. Rav Pappa said: It comes to exclude a king.<sup>N</sup> A king is not disqualified from giving testimony, but he does not testify before a court, due to the requirement to give respect to a king.

**One who plays with dice – משחק בקוביא:** Dice games were accompanied by gambling throughout the Roman Empire. Tractate *Sanhedrin* lists dice players among those whom the Sages prohibit from giving testimony. There are different opinions with regard to the rationale for this *halakha*. According to some, the winnings from playing dice are not acquired in a legal manner because the other players do not expect to lose when they place their bets. Therefore, one who takes money in this fashion is considered a robber by rabbinic decree. Even according to those who say that money won through gambling is not considered stolen, gambling is nonetheless considered despicable behavior.



Fresco of dice players, found in Pompeii



Ancient Roman dice. The basic design has not changed significantly over the years.

רב אחא בר יעקב אמר: למעוטי משחק בקוביא. והא משחק בקוביא מדאורייתא מיתוי חזי, ורבנן הוא דפסלוהו, ולא קא חיילא עליה שבועה!

Rav Aḥa bar Ya'akov said: It comes to exclude one who plays with dice,<sup>NH</sup> whom the Sages disqualified from giving testimony. But surely one who plays with dice is eligible by Torah law to give testimony, and it is the Sages who disqualified him. Despite this, an oath of testimony does not apply to him by Torah law, even though the prohibition on his testifying is rabbinic.

שאני התם דאמר קרא: "אם לא יגיד" – והאי לאו בר הגדה הוא בלל.

The Gemara rejects this by distinguishing between the two cases: **It is different there**, in the case of testimony, where the verse states: "If he does not utter it, then he shall bear his iniquity" (Leviticus 5:1), i.e., a man who can testify but doesn't do so should be punished. **But this person cannot ever give testimony** since the court will not accept his testimony. The Torah makes liability for an oath of testimony contingent on one's ability to testify. Therefore, an oath of testimony would not apply to someone unable to testify. However, one who takes an oath not to eat is liable if he breaks that oath, notwithstanding the rabbinic prohibition against eating less than a measure of forbidden food. Consequently, this rejection does not stand, and the first explanation remains.

וכל היכא דתני ענוש כרת לא תני אסור? והתניא: אף על פי שאמרו אסור בכולן, לא אמרו ענוש כרת אלא על האוכל ושותה ועושה מלאכה בלבד! הכי קאמרו: כשאמרו אסור לא אמרו אלא בכחצי שיעור, אבל בשיעור – ענוש כרת, ואף על פי שענוש כרת – אין ענוש כרת אלא אוכל ושותה ועושה מלאכה בלבד.

**S** The Gemara's initial assumption is that the mishna's use of the word prohibited is referring to a transgression not punishable by *karet*. The Gemara asks: **And anywhere that it teaches that transgressing is punishable by *karet*, does it never teach using the word prohibited? Was it not taught in a *baraita*: Although they said the word prohibited with all of the five Yom Kippur afflictions, they said that the punishment of *karet*<sup>H</sup> applies only to one who eats, or drinks, or performs prohibited labor.** This means that the word prohibit is used with transgressions punishable by *karet* as well. The Gemara rejects this. **This is what the *baraita* is saying: When they said that those five activities are prohibited, they said that only with regard to a half-measure; but a full measure is punishable by *karet*. And although a violation is punishable by *karet*, it is punishable by *karet* only if one eats, or drinks, or performs prohibited labor; these alone are the cases where *karet* is incurred.**

ואי בעית אימא כי קתני "אסור" – אשארא. דתנו רבא ורב יוסף בשארא סיפרי דבי רב: מניין ליום הכפורים שאסור ברחיצה בסיכה ובנגעילת הסנדל ובתשמיש המטה – תלמוד לומר: "שבתון" – שבות.

**And if you wish, say instead that when it is taught in the mishna using the language of prohibited, it is referring to the other transgressions, which do not incur *karet*. As Rabba and Rav Yosef taught this in other books of Rav's school, i.e., the *Sifrei*, the halakhic midrash on Numbers and Deuteronomy: From where is it derived that it is prohibited to engage in bathing, and in smearing oil on one's body, and in wearing shoes, and in having relations on Yom Kippur? The verse states: "*Shabbaton*" (Leviticus 16:31), meaning resting and refraining from certain activities. Therefore, the word prohibit is used with these activities, but they are not punishable by *karet*.**

#### HALAKHA

**One who plays with dice – משחק בקוביא:** If individuals take an oath to testify despite being ineligible to do so, e.g., they are relatives, one is a king, or one or both are disqualified for some reason, their oath is invalid, but they are not obligated to bring an offering. This is so even if their disqualification is

rabbinic, e.g., because they gamble. This ruling in accordance with Rav Aḥa Bar Ya'akov (*Kesef Mishne*, Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 10:1).

***Karet* on Yom Kippur – כרת ביום הכפורים:** There are five

activities prohibited on Yom Kippur due to the mitzva to afflict oneself, in addition to the prohibition of performing labor. However, only eating, drinking, and performing prohibited labor incur the punishment of *karet* (*Shulhan Arukh*, *Orah Hayyim* 611:1).

NOTES

**Because it is fit to combine** – **בְּיָמֵינוּ דְּחַיֵּי לְאִיִּצְטְרופֵי**: Rabbi Yoḥanan’s reasoning can be explained as follows: It is necessary to say that a half-measure of a forbidden food is itself prohibited. Otherwise, it could be said that one who eats a half-measure and then another half-measure has not eaten forbidden food, since each half measure was permitted. *Tosafot Yeshanim* claim that Rabbi Yoḥanan derives his ruling from the words “all fat” (Leviticus 7:23). According to Rabbi Yoḥanan, this verse prohibits a half-measure, and the reason given here is only an explanation of the mandate in the Torah.

**Koy** – **כּוֹי**: There is uncertainty whether a *koy* is a wild beast, a domestic animal, a hybrid of both, or a species whose true nature has never been determined. Questions concerning the issue of uncertainty arise in the laws that differentiate between domestic and wild animals. For example, may its fat be eaten; must its blood be covered; and, consequently, may it be slaughtered on a Festival?

**A mere support** – **אֲסִמְכָתָא בְּעֵלְמָא**: Occasionally a halakhic midrash provides support for a rabbinic law rather than interpreting a verse in order to reveal a Torah law. In such a case, the midrash is called an *asmakhta*, a support. This term indicates that the law does not originate from the Torah.

**A verse to include an uncertainty** – **קָרָא לְאִתּוּי סְפִיקָא**: The Torah teaches straightforward *halakha* and does not address cases of uncertainty. Although there are legal principles that govern uncertain situations, the uncertainty arises in the interpretation of the Torah, not in the Torah itself, and the Torah does not resolve these questions. This issue relates to the following question: There is a principle that in cases of uncertainty pertaining to Torah law, the ruling is stringent. Is this principle a Torah law or rabbinic law?

HALAKHA

**Koy** – **כּוֹי**: An animal born to a domestic animal and a permitted wild beast is called a *koy*. Eating its fat is prohibited but is not punishable by lashes (*Shulhan Arukh, Yoreh De’a* 80:6).

גּוּפָא, חֲצִי שִׁיעוּר, רַבִּי יוֹחָנָן אָמַר: אָסוּר מִן הַתּוֹרָה, רִישׁ לְקִישׁ אָמַר: מוֹתֵר מִן הַתּוֹרָה. רַבִּי יוֹחָנָן אָמַר: אָסוּר מִן הַתּוֹרָה; בְּיָמֵינוּ דְּחַיֵּי לְאִיִּצְטְרופֵי – אִישׁוּרָא קָא אָכִיל. רִישׁ לְקִישׁ אָמַר: מוֹתֵר מִן הַתּוֹרָה, אָכִילָה אָמַר רַחֲמָנָא – וְלִכְפֹּא.

אִיתִיבִיה רַבִּי יוֹחָנָן לְרִישׁ לְקִישׁ: אִין לִי אֶלְא כּל שִׁישְׁנוּ בְּעוֹנֵשׁ וְיִשְׁנוּ בְּאִוְהָרָה, כּוֹי וְחֲצִי שִׁיעוּר הוּאִיל וְאִינוּ בְּעוֹנֵשׁ יְכוּל אִינוּ בְּאִוְהָרָה – תְּלִמוּד לִזְמַר: “כָּל חֶלְבֵּי! מִדְּרַבְּנֵי, וְקָרָא אֲסִמְכָתָא בְּעֵלְמָא.

הַכִּי נִמִּי מִסְתַּבְּרָא, דְּאִי סְלָקָא דְעֵתָךְ דְּאוּרִייתָא, כּוֹי סְפִיקָא הוּא. אִיִּצְטְרופִי קָרָא לְאִתּוּי סְפִיקָא? אִי מְשוּם הָא לָא אִירִיא: קְסָבְרִי

Ⓢ Apropos the dispute between Rabbi Yoḥanan and Reish Lakish, the Gemara deals with the matter itself: What is the law with regard to a half-measure? Rabbi Yoḥanan said: It is prohibited by Torah law. Reish Lakish said: It is permitted by Torah law. The Gemara elaborates: Rabbi Yoḥanan said it is prohibited by Torah law because it is fit to combine<sup>N</sup> with another half-measure. If one continues to eat more, he will eat a whole measure, which is punishable by Torah law. Therefore, even when he eats the first half-measure he is eating forbidden food. Reish Lakish said it is permitted by Torah law. His reason is as follows: With regard to all forbidden foods, the Merciful One states in the Torah: “Eat,” for example in the verse: “You shall eat neither fat nor blood” (Leviticus 3:17). Eating is defined as consuming a minimum of an olive-bulk, and there is no prohibition if one eats less than an olive-bulk.

Rabbi Yoḥanan raised an objection to the opinion of Reish Lakish from what was taught in a *baraita* with regard to the prohibition of forbidden fat: I have derived only that anything that is included in the punishment of *karet* is included in the prohibition. However, one might have thought that there is no prohibition to eat fat of a *koy*,<sup>NHB</sup> or a half-measure of forbidden fat, since there is no punishment for those. Therefore, the verse states: “All fat” (Leviticus 7:23), indicating that there is a prohibition to eat any kind of fat, including fat of uncertain status and a half-measure of fat. Therefore, a half-measure of fat is prohibited by Torah law. Reish Lakish rejects this argument: This prohibition is rabbinic, and the verse brought as a proof is a mere support.<sup>N</sup> It cannot be claimed that there is such a prohibition by Torah law.

The Gemara comments: So too, it is reasonable to say that the *baraita* cites only the verse as a support and not as a source to prove the prohibition. For if it could enter your mind that this teaching constitutes a prohibition by Torah law, there is uncertainty whether a *koy* is a wild beast or a domestic animal. Is a verse necessary to include an uncertainty?<sup>N</sup> There is no doubt before God and therefore no purpose in writing a case of doubt in the Torah. Consequently, the *baraita* cites the verse only as a support. The Gemara answers: If that is the reason, there is no conclusive argument. The Sages of the *baraita* might have thought

BACKGROUND

**Koy** – **כּוֹי**: Many problems arise in trying to identify the *koy*. It is mentioned numerous times in the Mishna and the Gemara, not because it is a common animal, but rather because it is useful in discussions that explore the parameters and limits of the laws of domestic animals versus wild animals. As early as the mishnaic period, the Sages disagreed on the identification of the *koy*. Some maintain that it is a hybrid born to a deer or another kosher wild animal and a goat.

According to many researchers, the *koy* is identified as the water buffalo. There are allusions to this identification in some medieval rabbinic sources. Others reject this idea and claim that water buffalo did not live in Eretz Yisrael during the time of the Mishna, when the *koy* was first mentioned. Others maintain that the *koy* is the mouflon, a subspecies of wild sheep, though there are a number of opinions as to the specific subspecies of

mouflon it may be. There is also uncertainty with regard to both the origin of the term *koy* and its proper vocalization.



Water buffalo



Mouflon

כּוּי בְּרִיָּה בְּפִנֵּי עֲצֻמָּה הִיא. דְּאִי לָא תִּמְאָה הָבִי, הָא דְאָמַר רַב אִידִי בַר אָבִין: אִף כָּל לְאִתּוּי כּוּי. כּוּי סְפִיקָא הוּא, אִיִּצְטְרִיךְ קָרָא לְרַבּוּי סְפִיקָא? אֲלָא בְּרִיָּה שְׂאֵנִי. הֲכָא נְמִי: בְּרִיָּה שְׂאֵנִי.

תְּנִי רַבִּנָּן: "תִּעֲנֵנוּ אֶת נַפְשׁוֹתֵיכֶם", יָכוֹל יֵשֵׁב בַּחֲמָה אוֹ בַעֲנָה כִּדִּי שְׂיִצְטֵר, תִּלְמוּד לֹאמֵר: "וְכָל מְלֹאכָה לֹא תַעֲשֶׂה". מִה מְלֹאכָה – שֵׁב וְאֵל תַּעֲשֶׂה, אִף עֲנִי נִפְשׁ – שֵׁב וְאֵל תַּעֲשֶׂה.

וְאִמָּא: הִיכָא דִּיתֵיב בְּשִׂמְשָׁא וְחִים לִיה – לֹא נִמְאָ לִיה קִים תּוֹב בְּטוֹלָא, יִתֵּיב בְּטוֹלָא וְקִירִי לִיה, לֹא נִמְאָ לִיה קִים תּוֹב בְּשִׂמְשָׁא! דּוּמְאָ דְמְלֹאכָה, מִה מְלֹאכָה – לֹא חֲלָקֵת בָּהּ, אִף עֲנִי – לֹא תַחֲלוֹק בּוּ.

תִּנְיָ אִידִךְ: "תִּעֲנֵנוּ אֶת נַפְשׁוֹתֵיכֶם" יָכוֹל יֵשֵׁב בַּחֲמָה וּבַעֲנָה וְיִצְטֵר – תִּלְמוּד לֹאמֵר: "וְכָל מְלֹאכָה לֹא תַעֲשֶׂה", מִה מְלֹאכָה – דְּבַר שְׁחִיבִין עָלָיו בְּמִקּוֹם אַחֵר, אִף עֲנִי נִפְשׁ – שְׁחִיבִין עָלָיו בְּמִקּוֹם אַחֵר. וְאִי זֶה זֶה – זֶה פְּגוּל וְנוֹתָר.

that a *koy* is its own species, and the uncertainty pertains not only to whether it is a wild or domestic animal, but also to whether it even can fit into one of those two categories. For if you do not say so and maintain that it might be its own species, how can we understand that which Rav Idi bar Avin said, that also the word "all" stated in the verse: "All blood you may not eat, whether of birds or of beasts" (Leviticus 7:26), comes to include the *koy*.<sup>n</sup> Now, if you say that the *koy* is case of uncertainty, is a verse necessary to include an uncertainty? Rather, the *koy* is obviously its own species, and therefore it is different and needs a special verse to include it. Here too, in the case of the forbidden fat, we could say that the *koy* is its own species, and therefore it is different. Consequently, Reish Lakish's opinion cannot be rejected.

§ After clarifying the wording of the mishna, the Gemara brings a halakhic midrash to analyze the mishna's laws. The Sages taught: The verse states: "And this shall be a statute to you forever: In the seventh month on the tenth day of the month you shall afflict your souls" (Leviticus 16:29). I might have thought that one should sit in the sun<sup>n</sup> or in the cold to suffer and afflict his soul; therefore the continuation of the verse states: "And you shall not do any labor, the home-born, or the stranger that lives among you" (Leviticus 16:29). This teaches that just as prohibited labor is a mitzva that requires one to sit and do nothing, as one is commanded to refrain from action, so too, affliction of one's soul is also a mitzva requiring one to sit and do nothing. One is not commanded to be proactive in order to afflict his soul. Rather, one must refrain from specified actions such as eating and drinking.

The Gemara asks: And say that it means that when one sits in the sun and it is too hot for him, we do not say to him: Get up and sit in the shade. Or, if one sits in the shade and it is too cold for him, we do not say to him: Get up and sit in the sun. These are also cases of affliction involving sitting and doing nothing. The Gemara rejects this: It must be similar to the prohibition of labor. Just as with regard to prohibited labor you did not distinguish between situations, since the prohibition is independent of one's personal circumstance, so too, you do not distinguish with regard to affliction, which is not affected by one's circumstance.

It was taught in another *baraita* that as the verse states: "You shall afflict your souls" (Leviticus 16:29),<sup>n</sup> I might have thought that one must sit in the sun or the cold and be uncomfortable; therefore, the continuation of the verse states: "And you shall not do any labor" (Leviticus 16:29). Just as prohibited labor is something that incurs *karet* in other circumstances, like Shabbat, so too, affliction relates to acts that in other circumstances incur *karet*. And what is that circumstance? That is referring to *piggul* and *notar*, which lead to *karet* if eaten, and which therefore may not be eaten on Yom Kippur.

NOTES

Also the word all comes to include the *koy* – אִף כָּל לְאִתּוּי כּוּי – This explanation of this verse includes more than the previous explanation. With regard to the prohibition of eating blood, there is no distinction between a wild or domestic animal. Consequently, if the *koy* is either a wild or a domestic animal, the Torah has no need to specifically include it because it certainly belongs to a category of animal whose blood is forbidden. This shows that the *koy* is in a unique class, which is neither wild nor domestic (*Tosefot Rid*).

I might have thought that one should sit in the sun – יָכוֹל

יֵשֵׁב בַּחֲמָה: It could have been thought that there is a positive mitzva to actively cause affliction to oneself, rather than merely suffer through abstinence from specific activities (*Tosefet Yom HaKippurim*).

Afflict your souls – תִּעֲנֵנוּ אֶת נַפְשׁוֹתֵיכֶם: Commentaries on the *Sifra* explain that the main source of this teaching is the phrase "your souls," which comes to include actions that afflict the soul and whose avoidance causes loss. Therefore, this phrase must refer to affliction through refraining from eating and drinking. This is similar to the teaching of Rabbi Yishmael (Ra'avad; Rosh).

אָבִיָא פֿגול וְנוֹתֵר שֶׁהוּא בְכֵרֶת, וְלֹא אָבִיָא אֶת הַטֶּבֶל שְׂאִינוּ בְכֵרֶת – תְּלִמוּד לֹאמֵר: “תִּעֲנֶנּוּ” וְעֵנִיתֶם אֶת נַפְשׁוֹתֵיכֶם רִיבָה.

The *baraita* continues: I will include the categories of *piggul* and *notar*,<sup>N</sup> for which one is punished with *karet* if eaten during the year, but I will not include untithed produce, which does not cause one to incur the punishment of *karet* if eaten. Therefore, the verse states: “You shall afflict” (Leviticus 16:29), and it also states: “And you shall afflict your souls” (Leviticus 16:31). The Torah comes to include another affliction of a serious eating prohibition, i.e. untithed produce.<sup>N</sup>

אָבִיָא הַטֶּבֶל שֶׁהוּא בְמִיתָה, וְלֹא אָבִיָא אֶת הַנְּבִילָה שְׂאִינָה בְמִיתָה – תְּלִמוּד לֹאמֵר “תִּעֲנֶנּוּ” וְעֵנִיתֶם אֶת נַפְשׁוֹתֵיכֶם רִיבָה.

The *baraita* continues: I will include untithed produce, for which one receives death at the hand of Heaven; but I will not include an unslaughtered animal carcass, which, although it is prohibited for consumption, one who eats it is not punishable by death at the hands of Heaven. Therefore, the verse states “you shall afflict” and also “and you shall afflict your souls.” The Torah includes foods that are associated with a prohibition even if one who eats them is not punishable by death.

אָבִיָא אֶת הַנְּבִילָה שֶׁהוּא בְלֹא, וְלֹא אָבִיָא אֶת הַחֹלִין שְׂאִינֵן בְלֹא – תְּלִמוּד לֹאמֵר: “תִּעֲנֶנּוּ” וְעֵנִיתֶם אֶת נַפְשׁוֹתֵיכֶם רִיבָה.

The *baraita* continues: I will include an unslaughtered animal carcass, which is prohibited by a negative mitzva, but I will not include non-sacred, regular food, which is not prohibited by a negative mitzva. Therefore, the verse states both “you shall afflict” and “and you shall afflict your souls.” Although non-sacred food is not prohibited in general, the Torah includes it in the prohibition of eating on Yom Kippur.

אָבִיָא הַחֹלִין שְׂאִינֵן בְּקוּם אֶכּוּל וְלֹא אָבִיָא אֶת הַתְּרוּמָה שֶׁהִיא בְּקוּם אֶכּוּל – תְּלִמוּד לֹאמֵר: “תִּעֲנֶנּוּ” וְעֵנִיתֶם אֶת נַפְשׁוֹתֵיכֶם רִיבָה. אָבִיָא אֶת הַתְּרוּמָה שְׂאִינָה בְּבֵל תּוֹתִירוּ וְלֹא אָבִיָא אֶת הַקֶּדְשִׁים שֶׁהֵן בְּבֵל תּוֹתִירוּ – תְּלִמוּד לֹאמֵר: “תִּעֲנֶנּוּ” וְעֵנִיתֶם אֶת נַפְשׁוֹתֵיכֶם רִיבָה.

The *baraita* continues: I will include non-sacred food, which is not associated with any positive mitzva to arise and eat, i.e., there is no obligation to eat non-sacred food; but I will not include *teruma*, which one is required to arise and eat, as priests are commanded to eat *teruma*. Therefore, the verse states “you shall afflict” and “and you shall afflict your souls.” The Torah includes *teruma* as well in the foods one is prohibited to eat on Yom Kippur. I will include *teruma*, which is not subject to the command: “You shall not leave over” (Leviticus 22:30), since *teruma* need not be consumed within a specific time, but I will not include sacred food, which is subject to the command “you shall not leave over”; it is prohibited to leave the meat uneaten after a certain amount of time. Therefore, the verse states “you shall afflict” and “and you shall afflict your souls,” to include the category of sacred food in the prohibition of eating on Yom Kippur. Consequently, the Gemara has demonstrated that it is prohibited to eat any type of food on Yom Kippur.

וְאִם נִפְשָׁךְ לֹאמֵר: הֲרִי הוּא אוֹמֵר: “וְהִאֲבִדְתִי אֶת הַנֶּפֶשׁ הַזֶּה” – עֲנִי שֶׁהוּא אֲבִידֶת הַנֶּפֶשׁ, וְאִי זֶה זֶה – זֶה אֲבִילָה וְשִׁתְיָה.

And if it is your wish to say something to challenge this reasoning, the Gemara brings an additional proof: Surely, the verse states with regard to one who violates Yom Kippur: “I will destroy that soul from among his people” (Leviticus 23:30). Therefore, affliction is something that destroys a soul. And what is that? That is refraining from eating and drinking, since someone who does not eat and drink at all will die. The Torah is not referring to other afflictions that do not lead to death. These are the words of the *baraita*.

#### NOTES

I will include *piggul* and *notar* – *Tosefet Yom HaKippurim* and the Maharshal ask: What is the point of this discussion, as in any case eating these substances incurs the penalty of *karet*? It does not make sense to impose a second punishment of *karet* on top of that for eating the food on Yom Kippur. Some commentaries suggest that the individual might nevertheless be liable to receive the additional punishment of lashes, which is imposed for most sins that incur *karet*. Alternatively, one who unwittingly eats these foods on Yom Kippur would have to bring two sin-offerings (Rav Shmuel Strashun).

In addition, a practical difference with regard to the nature of the sin is the measure that determines liability. If one eats an olive-bulk of *piggul* or *notar*, he is liable for transgressing the

prohibition of eating those items. He is not liable for eating on Yom Kippur until he has consumed a date-bulk (*Siah Yitzhak*).

Learning from the word afflict and the phrase you shall afflict – דִּרְךְ הַלִּימוּד תִּעֲנֶנּוּ וְעֵנִיתֶם – Commentaries point out that the Torah first states “afflict your souls” (Leviticus 16:29) and then repeats five times the mitzva to afflict oneself on Yom Kippur (Leviticus 16:31, 23:27, 23:29, 23:32; Numbers 29:7). These repetitions emphasize that the prohibition of eating on Yom Kippur extends to all types of food, whether the food is prohibited, non-sacred, or required eating (*Tosefet Yom HaKippurim*).

I will destroy that soul – **וְהִאֲבֹדְתִי הַנֶּפֶשׁ**: This teaching is derived from the language of the verse. Since the Torah does not use the term *karat*, but rather speaks of the destruction of the soul, it alludes to the type of affliction, i.e. starvation (*Tosafot Yesbanim*). Although this phrase is stated with regard to prohibited labor, a verbal analogy extends it to all the laws of Yom Kippur (*Ohel Moshe*).

**טוב מראה עינים – Better is the seeing of the eyes**: Reish Lakish's statement teaches that one should avoid even looking at nakedness because it has an aspect of inappropriate sexual relations (*Tosefot Yom Hakippurim*; see *Sefer Mitzvot Gadol*).

מאי 'ואם נפשך לומר? וכי תימא: בערות קא מישתעי קרא – הרי הוא אומר "והאבדתי הנפש" ענוי שיש בו אבדות נפש, ואי זה זה – זה אכילה ושתיה.

דבי רבי ישמעאל תנא: נאמר כאן ענוי ונאמר להלן ענוי, מה להלן ענוי רעבון – אף כאן ענוי רעבון.

ונילף מיאם תענה את בנותי! דנין ענוי דרבים מענוי דרבים, ואין דנין ענוי דרבים מענוי דייחיד.

ונילף מענוי דמצרים, דכתוב: "וירא את עמנו" ואמרין: זו פרישות דרך ארץ! אלא, דנין ענוי בידי שמים מענוי בידי שמים, ואין דנין ענוי בידי שמים מענוי בידי אדם.

"המאכילך מן במדבר למען ענותך", רבי אמי ורבי אסי: חד אמר: אינו דומה מי שיש לו פת בסלו למי שאין לו פת בסלו, וחד אמר: אינו דומה מי שרואה ואוכל למי שאינו רואה ואוכל.

אמר רב יוסף: מכאן רמו לסומין שאוכלין ואין שבעין. אמר אביי: הלכך, מאן דאית ליה סעודתא – לא ליכלה אלא ביממא. אמר רבי זירא: מאי קרא? טוב מראה עינים מהלך נפש. אמר ריש לקיש: טוב מראה עינים באשה יותר מגופו של מעשה, שנאמר: "טוב מראה עינים מהלך נפש".

"כי יתן בכוס עינו יתהלך במישרים" רבי אמי ורבי אסי, חד אמר: כל הנותן

The Gemara explains: **What is meant by: And if it is your wish to say? What flaw did the first proof have? The Gemara explains: And if you say the verse is discussing relations with those with whom relations are forbidden, avoidance of which is also called affliction, and it is not discussing eating and drinking, the verse states: I will destroy that soul,**<sup>18</sup> meaning an affliction that can cause death. **And what is that? That is refraining from eating and drinking.**

The school of Rabbi Yishmael taught the following concerning the nature of Yom Kippur: The word **affliction is stated here** with regard to Yom Kippur, **and the word affliction is stated further on** in a different place, concerning the Jews in the desert: "And He afflicted you and caused you to hunger" (Deuteronomy 8:3). **Just as further on the meaning of affliction is hunger, so too, here, the meaning of the word affliction is hunger.**

The Gemara asks: **And let us derive it** not from the verse that indicates affliction of hunger but from the verse where Laban warns Jacob: "**If you shall afflict my daughters**" (Genesis 31:50), which is referring not to hunger but to marital relations. The Gemara answers: **We derive affliction commanded to the public on Yom Kippur from affliction relating to the public, i.e., the Jewish people in the desert, and we do not derive affliction of the public from affliction of an individual, as in the case of Jacob's wives.**

The Gemara continues to challenge the view of Rabbi Yishmael: **And let us derive it from affliction stated with regard to Egypt, as it is written: "And He saw our affliction"** (Deuteronomy 26:7). **We say that this verse is referring to abstinence from conjugal relations.** The Egyptians prevented the Jewish people from having relations. This affliction is an example of public affliction that is not abstention from eating or drinking. **Rather, the prohibition to eat or drink on Yom Kippur should not be learned as stated previously, but as follows: We derive affliction by the hand of God from affliction by the hand of God, i.e., affliction caused directly by God or through His mitzvot; and we do not derive affliction by the hand of God from affliction by the hand of man.**

§ Apropos the verse: "And he afflicted you and caused you to hunger, and fed you with manna" (Deuteronomy 8:3), the Gemara expounds related verses. The Torah states: "**Who feeds you manna in the desert which your fathers did not know, in order to afflict you**" (Deuteronomy 8:16). What affliction was there in eating the manna? **Rabbi Ami and Rabbi Asi disagreed on the matter. One said: There is no comparison between one who has bread in his basket and one who does not have bread in his basket.** The affliction in eating the manna lay in there being no leftover food for the next day. Each day the people worried that they might not have any food to eat the next day. **And one said: There is no comparison between one who sees the food and eats it and one who does not see the food and eats it.** Though the manna could taste like anything, it always looked the same and did not look as it tasted. Being unable to see the food that they tasted was an affliction.

Rav Yosef said: **From here there is an allusion to the idea that blind people eat but are not fully satisfied** when they eat because they cannot see their food. Seeing the food contributes to the enjoyment of eating. **Abaye said: Therefore, from what we have just learned, one who has a meal should eat it only during daytime, when there is light to see the food that is being eaten. Rabbi Zeira said: What is the verse that alludes to this? "Better is the seeing of the eyes" than the wandering of the desire** (Ecclesiastes 6:9). On the same verse, **Reish Lakish said: The sight of a woman is better than the actual act of relations, as it is stated: "Better is the seeing of the eyes than the wandering of the desire."**

§ Apropos the dispute between Rabbi Ami and Rabbi Asi, the Gemara continues with another dispute they had with regard to the correct interpretation of a verse. It is stated: "Do not look upon the wine when it is red, **when it gives its color in the cup, when it glides down smoothly** [*bemeisharim*]" (Proverbs 23:31). **Rabbi Ami and Rabbi Asi disagreed. One said: Whoever casts**