

השתא בהמתן של צדיקים כולי –

Now that even the animals of the righteous etc.

OVERVIEW

The גמרא asks how can we say that ר' חנינא בן גמליאל was given to eat forbidden food, since we know that even בהמתן של צדיקים are protected from a mishap, then the צדיק will surely be protected from any mishap or transgression. תוספות will be discussing under what circumstances does this 'rule' apply. Is the צדיק always protected from mishap or only in limited circumstances?

אמר רבינו תם דלא פריך אלא גבי מידי דאכילה דגנאי הוא לצדיק שאוכל דבר איסור -
The ר"ת says that the גמרא does not ask this question; 'how is it possible that a צדיק sinned', only concerning matters of eating prohibited foods, for it is shameful for a צדיק that he eats forbidden food, more than transgressing other עבירות.¹ Therefore the גמרא will ask how is it possible that a צדיק ate a מאכל איסור, since even the animals of צדיקים are protected from such a 'mishap'.

ולהכי לא פריך גבי רבי ישמעאל שקרא והטה בפרק קמא דשבת (דף יב,ב) -

And therefore the גמרא does not ask this question concerning the story of ר' ישמעאל that he read by a lamplight² and he tilted the lamp so it would burn brighter, as the גמרא relates in the first פרק of שבת.

Similarly the גמרא does not ask this question –

וגבי יהודה בן טבאי שהרג עד זומם (חגיגה דף טז,ב) -
concerning יהודה בן טבאי who killed a single impeached witness.³ In both

¹ See 'Thinking it over' # 1.

² One is not permitted to read by lamplight on שבת out of concern that he may tilt the oil towards the wick to improve the lighting. This would be considered a מלאכה דאורייתא, namely מבעיר – making a fire (stronger). ר' ישמעאל said; I will read by lamplight and will be sure not to be מטה – tilt the lamp. He went ahead and read, and in fact was מטה. He transgressed an דאורייתא.

³ An עד זומם is a witness who testified and was subsequently impeached by other witnesses who claim that he was with them at the time of his alleged testimony and he could not possibly have seen the incident he testified to, since he was somewhere else at that precise time. If the alleged testimony of the עדים זוממים was concerning a capital crime, and the עדים זוממים were impeached prior to meting out the punishment to the accused, then the עדים זוממים are put to death in the same manner they intended for the accused. This rule applies only if both עדים זוממים were impeached; not only one. עד זומם יהודה בן טבאי ruled to kill a single עד זומם. The

these cases of השתא the גמרא did not ask how is this possible; and ר' ישמעאל these cases of השתא the גמרא did not ask how is this possible; ר' אלעזר ברבי יוסי testified that he saw תרומה being distributed to a particular person. In certain places תרומה was distributed only to עבדי כהנים, not to כהנים, even though the עבדי כהנים may also eat תרומה. In those places if one receives תרומה we assume that he is a כהן. What actually transpired was that תרומה was distributed to an עבד in a place where תרומה is given to עבדי כהנים; however this incident was reported to a place where עבדי כהנים are not given תרומה, so they mistakenly assumed that this עבד was actually a כהן.

והיהיא דפרק ב' דכתובות (דף כח,ב) דהעלו עבד לכהונה על פיו⁴ -

And concerning that incident in the second פרק of מסכת כתובות that they mistakenly elevated a slave to priesthood on the testimony of ר' אלעזר ברבי יוסי; in some texts the גמרא there asked this question 'השתא בהמתן וכו'.'⁵ However –

לא גריס ליה רבינו תם -

The ר"ת does not include this question of השתא וכו' in his text -

אף על פי שיש שם אכילת איסור תרומה לאשתו ולבניו שהם אסורין בתרומה -

Even though that there is in that case, of העלו עבד לכהונה, a situation where forbidden תרומה was eaten by the wife and children of this עבד, for they ate forbidden to eat תרומה.⁶ The reason we do not ask the question of 'השתא' in this case even though it is an איסור אכילה

מכל מקום כיון שחכם עצמו אין נכשל באכילת איסור אין סברא להקשות - -

Nevertheless since the 'wise man' himself (i.e. the testifying רב) was not transgressing an eating prohibition he only caused others to transgress an eating prohibition, therefore it is not logical to ask the question of 'השתא'. That question is pertinent only if the צדיק himself is נכשל באיסור אכילה, not if he was 'just' מכשיל others.

אנחנו תוספות anticipates a difficulty:

ורב ירמיה בר אבא דאישתלי וטעים קודם הבדלה (פסחים דף קו,ב) -

And concerning the episode with רב ירמיה בר אבא who forgot and tasted some food before הבדלה; which is not permitted -

אף על גב דאמר התם (דף קה,א) דמיתתו באסכרה⁷ -

even though the גמרא says there that the punishment for eating before

איסור רציחה! It seems that he spilled innocent blood. It seems that he was a party to רציחה!

⁴ ר' אלעזר ברבי יוסי testified that he saw תרומה being distributed to a particular person. In certain places תרומה was distributed only to עבדי כהנים, not to כהנים, even though the עבדי כהנים may also eat תרומה. In those places if one receives תרומה we assume that he is a כהן. What actually transpired was that תרומה was distributed to an עבד in a place where תרומה is given to עבדי כהנים; however this incident was reported to a place where עבדי כהנים are not given תרומה, so they mistakenly assumed that this עבד was actually a כהן.

⁵ See 'Thinking it over' # 2.

⁶ The עבד himself that mistakenly, they were מעלה לכהונה is permitted to eat תרומה since as an עבד כהן he is considered מן כהן who is permitted to eat תרומה. His wife and children however are אסור בתרומה.

⁷ See 'Thinking it over' # 3.

הבדלה is **death through choking**;⁸ we can surmise that it is a grave transgression; and nevertheless the גמרא does not ask 'השתא' even though this is a transgression of eating. And similarly –

וּבְרֹאשׁ הַשָּׁנָה (דף כא,א) בְּסִימָה תִּבְשִׁילָא דְבַבְלָאִי בְּצוּמָא רַבָּא דְּמַעֲרַבָּא -

And in the food of the Babylonians is tasty on the day of the great fast (יום הכיפורים) of those who live in the West⁹ (Israel).¹⁰ The גמרא actually ate בני בבל on יום כיפור. Nevertheless the גמרא does not ask the 'השתא' question.

explains תוספות:

אין דבר מגונה כל כך אכילה של היתרא בשעת האיסור:

It is not such a reprehensible act if it is 'merely' a matter of **eating something permissible in a forbidden time**; as in eating before הבדלה or even on יום כיפור. If the item eaten is inherently כשר, only that it was eaten at a forbidden time, it is not as disgraceful as eating something which is intrinsically forbidden. Therefore the question of 'השתא' is limited to eating a האסור דבר, not to eating a דבר המותר in a האסור זמן.

SUMMARY

even מאכל אסור in eating נכשל צדיקים from not being הקב"ה will protect. בשוגג, for it is a גנאי for a צדיק to eat אסור. This protection does not extend to other עבירות as evidenced by the fact that ר' ישמעאל transgressed the שבת and was responsible for the unjustified death of an זומם. עד זומם.

A צדיק may inadvertently cause others to eat אסור, as evidenced by the fact that a family of an עבד ate תרומה illegally, based on the testimony of ר' ישמעאל ברבי יוסי.

This protection against eating אסור is limited to food that is intrinsically אסור, however protection against eating אסור בזמן המותר is not guaranteed; as evidenced by ר' ירמי בר אבא who forgetfully ate before יום כיפור and בני בבל who mistakenly ate on הבדלה.

THINKING IT OVER

⁸ אסכרה is often translated as 'the croup'; a coughing choking disease

⁹ 'מערבא' is west of בבל, therefore in the גמרא it is referred to as ארץ ישראל.

¹⁰ On that particular year they were מעבר אלול in א"י making it a 30 day month. The people in בבל were not aware of it and they fasted on what was actually the ninth of תשרי (they thought it was the tenth since אלול is [almost] always a חסר of 29 days). On the following day it was יום הכיפורים in א"י, while in בבל they were feasting.

1. How do we explain the significance of the גנאי of eating a מאכל אסור¹¹ as opposed to other עבירות?¹²
2. How can we justify the opinion of those who are גורס 'השתא' in the case of תוספות¹³ while still agreeing with the basic premise of העלו עבד לכהונה?
3. Why was it necessary to add that eating before הבדלה מיתתו באסכרה?¹⁴
4. Can we derive from this תוספות that איסורי דרבנן can also be an איסור חפצא?¹⁵

¹¹ See footnote # 1.

¹² See לקו"א – תניא פ"ה (and # 110 אמ"ה).

¹³ See footnote # 5.

¹⁴ See footnote # 7.

¹⁵ See בל"י and סוכ"ד ס"ק ד' בסופו.