

Rabbi Tagger
 Alumni Shiur
 ברכות דף לה ע"א
 מנא ה"מ וכו'

1. The opening move of the *gemara*¹ is “מנא ה"מ,” questioning the *mishna*’s source for the idea that one makes ברכה before eating food. However, the implication of the term “מנא ה"מ” is that the *gemara* is searching for a דאורייתא source.²
 - a. **[Kashia #1]** How did the *gemara* know to assert that the *mishna* is operating on a דרבנן דאורייתא level? Was there ever any indication that we weren’t merely dealing with a דרבנן?
2. In an effort to source the *mishna*, the *gemara* brings a highly authenticated ברייתא³ from the תורת הלולים that quotes the פסוק of “קדש הלולים לה”⁴ and explains that the plural form of the word “הלולים” teaches that one needs to make a ברכה before and after eating food.⁵ And, *Rebbe Akiva* extends this לימוד to prohibit a person from tasting anything before making a ברכה.
 - a. Shockingly, the *gemara* is not satisfied with this explicit source for the *mishna*, and the מקשן of the *gemara* asserts that the פסוק of “קדש הלולים לה” cannot be teaching the need for a ברכה before and after eating food because that פסוק is necessary to teach the concept of being פודה the קדושה of נטע רבעי onto a coin and to teach that wine is the only thing that requires this פדיון.⁶
 - i. **[Kashia #2]** How does this מקשן understand the ברייתא? The ברייתא left no room for doubt that the פסוק of “קדש הלולים לה” teaches the necessity of a before and after ברכה, so how can the מקשן appear to contradict the ברייתא?
 - ii. **[Kashia]** *Tosafot* (ד"ה אחליה והדר אכליה) attacks the מקשן because the laws of פדיון that the מקשן attempts to preoccupy the פסוק of “קדש הלולים לה” with can be derived by means of a גזרה שוה from מעשר שני, as we see in קדושין.⁷ Therefore, it is unnecessary for the פסוק here to be teaching these laws to us, and our פסוק is free to be used for the requirement to make a ברכה prior to and after eating, like the ברייתא proposed.⁸
3. **[Teirutz #1 to Kashia #2]** Alan Rubin: The מקשן understood that, when the ברייתא said that “קדש לה” teaches that a ברכה is needed before and after eating, that does not necessarily mean that all food needs a ברכה before and after. The ברייתא could be limited specifically to נטע רבעי.⁹
 - a. **[Kashia]** If the ברייתא is dealing with a special law that only applies to נטע רבעי, then, in the ברייתא, how was *Rebbe Akiva* able to extend that law to forbid the consumption of any food before making a ברכה?

¹ See דף לה ע"א.

² See ספר הליכות עולם עמוד כה שער שני אות יז.

³ See ת"כ פ' קדושים פ"ג פ"ו.

⁴ See ויקרא פרק כ"ט, פסוק כ"ד.

⁵ See רש"י ד"ה קדש הלולים.

⁶ See רש"י ד"ה האי מיבעי ליה.

⁷ See קדושין דף ג ע"ב.

⁸ Seemingly, this *kashia* of *Tosafot* can help us with the הוה אמינא before the מקשן of the *gemara*.

⁹ Seemingly, according to this פשט, it would appear that the הוה אמינא before the מקשן was that the תנא קמא in the ברייתא held that all food requires a ברכה, whereas the מקשן argues that the תנא קמא is only referring to נטע רבעי.

- i. **[Teirutz]** Alan Rubin: *Rebbe Akiva* is just a דעת יחיד, and he is extending the ברייתא's discussion about ברכה to include all food,¹⁰ but the majority view is that the ברייתא's law is only relevant to נטע רבעי.¹¹
4. **[Teirutz #2 to Kashia #2]** Dan Shmikler: The מקשן holds that this ברייתא is on a דרבנן level and is presenting us with an אסמכתא on the פסוק of "קדש הלולים לה".
- a. **[Support]** This seems like the simplest and safest approach in the debate between the מנא ה"מ and the מקשן because at both points in the *gemara* we had the same exact understanding of the content of the ברייתא, and the only point of conflict is whether this ברייתא represents a דאורייתא source or a דרבנן one.
- b. **[Rayah]** This is also more משמע from the לשון of the מקשן who said, "והאי קדש הלולים להכי", "הוא דאתא? האי מיבעי ליה ברכות, דאורייתא דרשה for a פסוק for a ברכות, but the מקשן does not appear to be modifying our understanding of what was included in the content of the ברייתא.¹²
5. **[Kashia #3]** At the beginning of our *mishna*, *Tosafot* (ד"ה כיצד מברכין) are bothered by the fact that the *gemara* never asks, "תנא היכא קאי," like the *gemara*¹³ does at the very beginning of מסכת ברכות. Essentially, this would mean that the *gemara* questions the תנא of the *mishna*'s right to teach how to make ברכות before any mention of an obligation to make ברכות in the first place, seeing as that is improper pedagogy.¹⁴
- a. **[Teirutz #1]** *Tosafot* explain that the reason why our *gemara* did not ask, "תנא היכא קאי," is because it is self-evident that a person should make a ברכה before benefiting from this world; therefore, the תנא of the *mishna* did not have to bother to spell out this logical conclusion prior to informing us how to make the ברכות.
- i. **[Kashia]** This *teirutz* of *Tosafot* is difficult, as is clear from the fact that *Tosafot* provides two תירוצים. The obvious סברא that *Tosafot* employs is only brought up at the מסקנה of our *gemara*, so *Tosafot* is using a form of circular logic by asserting that the *gemara* did not have to ask תנא היכא קאי at the beginning of the *gemara* because of a סברא that was only made known at the very end of the *gemara*.
- b. **[Teirutz #2]** Alternatively, *Tosafot* asserts that our *mishna* is coming off the back of the earlier *mishna*,¹⁵ dealing with a בעל קרי. There is a תקנת עזרא that a person who is a בעל קרי has to do טבילה, and, until he does טבילה, there are limitations on what this בעל קרי can say.¹⁶ So, the *mishna* teaches that a בעל קרי is not allowed to make a ברכה before eating bread because it is a דרבנן requirement to make the ברכה beforehand;¹⁷ however, the בעל קרי still

¹⁰ Seemingly, according to this understanding of the מקשן, *Rebbe Akiva* would need to serve a different function in the ברייתא הוה אמינא read of the ברייתא. See Footnote #9 above.

¹¹ The Rosh Yeshiva, *shlit"u*, did not want to go this way.

¹² Seemingly, this linguistic implication would be a *kashia* on *Teirutz #1* to *Kashia #2* above.

¹³ See דף ב ע"א.

¹⁴ See דף ב ע"א ד"ה היכא קאי.

¹⁵ See דף כ ע"ב.

¹⁶ See דף כ ע"ב ד"ה בעל קרי.

¹⁷ See דף כ ע"ב ד"ה ואינו מברך לפניו.

makes ברכת המזון after the bread because ברכת המזון is a דאורייתא obligation,¹⁸ which the דרבנן תקנת עזרא does not override. Therefore, since this *mishna* showcases the concept of making ברכה before eating bread, the תנא of our *mishna* could rely on that *mishna* and refrain from mentioning an obligation to make ברכה.^{19 20}

i. **[Kashia #4]** *Tosafot* is taking us out of the frying pan and into the fire!

According to *Tosafot*, our *mishna* is relying on the *mishna* סתם on ע"ב דף כ ע"ב.

However, that *mishna* clearly demonstrates that the ברכה prior to eating is a דרבנן, which is why the *mishna* precludes a קרי בעל קרי from making the ברכה before eating, but our *gemara*, in the מנא ה"מ, starts off asking for the דאורייתא source of our *mishna*'s ברכה!

1. **[Kashia #1 Restated]** So, how did our *gemara* know that our *mishna* was on a דאורייתא level, especially in light of *Tosafot*'s second *teirutz*²¹ that our *mishna* is connected to the earlier *mishna* which holds the pre-ברכה is דרבנן?²²

6. **[Teirutz #1 to Kashia #4]** Aharon Yaaqob Windham: Both our *mishna* and the earlier one include the ברכה of המוציא before eating bread. But, in the previous *mishna*, we understood that המוציא was a דרבנן, and the מנא ה"מ shows that our *mishna* is coming to argue with the previous *mishna* and say that דאורייתא is המוציא!

a. **[Kashia]** But, how did the מנא ה"מ know that our *mishna* holds המוציא is דאורייתא?

7. All of the *meforshim* are struggling to explain how the *gemara* knew to view this *mishna* as a דאורייתא.

a. **[Teirutz #1 to Kashia #1]** The פני יהושע²³ proposes that the *gemara* held that, since it is an איסור דאורייתא of "לא תשא" for a person to make a ברכה that is unnecessary and to say Hashem's name in vain, the רבנן would never require a person to make a ברכה. So, the very fact that the *mishna* is prescribing ברכה to be made indicates that these ברכה must be דאורייתא.

i. **[Kashia]** Besides for the fact that there is no hint of this in the actual *mishna*, the פני is completely ignoring the *mishna* on ע"ב דף כ ע"ב, which *Tosafot* brought up that holds the ברכה ראשונה is דרבנן.

b. **[Teirutz #2 to Kashia #1]** Gad Dish: The צ"ח²⁴ explains that the after ברכה for bread is דאורייתא, whereas the ברכה before bread is a דרבנן. However, this is reversed for other

¹⁸ See רש"י דף כ ע"ב ד"ה ועל המזון מברך לאחריו.

¹⁹ Seemingly, we have to understand the weakness of *Tosafot*'s second *teirutz* that necessitated *Tosafot* to bring the first one.

²⁰ [Kashia] Mordy Stein: Why did *Tosafot* bring *Teirutz* #2 after *Teirutz* #1? *Teirutz* #2 seems to be a lot better, so it should be first

²¹ Seemingly, the previous *mishna* on ע"ב דף כ ע"ב poses an issue for our *gemara*, even according to *Tosafot*'s 1st *teirutz*, because both of these *mishnas* are סתם משניות, so the straightforward understanding would be that they agree with each other. Therefore, since the earlier *mishna* clearly expressed that ברכה before eating are דרבנן, we should automatically presume that our *mishna* holds that the ברכה are דרבנן and not דאורייתא.

²² See פני ברכות דף לה ע"א בד"ה גמרא מנא הני מילי.

²³ See פני שם בא"ד ועוד י"ל דקס"ד וכו'.

²⁴ See the צ"ח ברכות דף לה ע"א בד"ה מנא ה"מ וכו' בא"ד ועוד נלע"ד דודאי ידע וכו'.

foods, so normally the ברכה ראשונה is a דאורייתא, as opposed to the ברכה אחרונה which is דרבנן.

- i. **[Kashia]** That's beautiful, but where did the צל"ה get this from? It works very nice to say that each food product gets one דאורייתא ברכה that is either before or after eating, but why wouldn't we say simply that, from the *mishna* on ע"ב כ"ד, all ברכה ראשונה are דרבנן?
 - ii. **[Kashia]** Plus, the צל"ה now has a contradiction between the *mishnas* because, as Aharon Yaakov pointed out,²⁵ our *mishna* includes המוציא in its list of דאורייתא ברכות, and this contradicts the *mishna* earlier that המוציא is דרבנן!
8. Just to show how much stress the *meforshim* are under to explain how this *mishna* was interpreted as דאורייתא ברכות, there was one wild פשט to bring us to this conclusion.
- a. **[Kashia]** If you read our *mishna*, the *mishna* repeatedly writes two superfluous words. The *mishna* says, "על פירות האילן הוא אומר בורא פרי העץ וכו'." Why did the *mishna* say, "הוא?" Obviously, the person eating the food is the one making the ברכה, so the *mishna* should have just said, "מברך בורא פרי העץ," or "על פירות האילן בורא פרי העץ." Why did the *mishna* include these extraneous words of "הוא אומר" over and over throughout the *mishna*?²⁶
 - i. **[Support]** Yechezkal Scheer: This is even worse because the *mishna* started by saying, "כיצד מברכין וכו'," in the plural form, so, if the *mishna* wanted to use an introductory statement to the ברכות, the correct grammatical conjugation would be to say, "אומרים בורא פרי העץ," in the plural form!
 - ii. **[Teirutz #3 to Kashias #1 & #4]** With this, the ספר חדשים גם ישנים²⁷ posits that the person being referred to in our *mishna* as "הוא אומר" is in fact the בעל קרי from the earlier *mishna*. So, our *mishna* is not only relying on the previous *mishna* for the idea that there is an obligation to make ברכות, but our *mishna* is actually connected to and a continuation of the earlier *mishna*. And, our *mishna* is teaching us that, even though the בעל קרי can't make certain ברכות, if he wants to eat a fruit, then he has to say בורא פרי העץ. If so, it is clear that the ברכות in our *mishna* must be דאורייתא because the בעל קרי is being instructed to say them; therefore, the מנא ה"מ knew to ask for a דאורייתא source.
 1. **[Kashia]** Gad Dish: But, how can the חדשים גם ישנים say that our *mishna* is speaking to the בעל קרי and that all the ברכות in our *mishna* are דאורייתא? The ברכה of המוציא is in our *mishna*, and the *mishna* by the בעל קרי clearly indicated that המוציא is דרבנן! So, our *mishna* still contradicts the previous *mishna* in terms of the המוציא!
 - a. **[Teirutz]** The חדשים גם ישנים deals with this problem by proclaiming that the words, "הוא אומר," by the ברכה of המוציא are לאו דוקא, and the בעל קרי is not actually going to say the ברכה of המוציא. The only reason why the *mishna* says, "הוא אומר," by the

²⁵ See Point 6 above.

²⁶ The Rosh Yeshiva, *shlit"א*, pointed out that, in the original texts of the משניות, the words, "הוא אומר," do not exist in our *mishna*.

²⁷ See the ספר חדשים גם ישנים ברכות דף לה ע"א בעמ' קפד בד"ה בגמרא מנא ה"מ.

ברכה of המוציא is because the *mishna* is following the linguistic structure of the other cases in the *mishna* in which the בעל קרי is really making the ברכה.²⁸

9. It is important to note that the *Talmud Yerushalmi*²⁹ brings the ברייתא of “קדש הלולים לה” as the source of the *mishna* without any further questions, and many of the *meforshim* on the *Yerushalmi* comment that the *Yerushalmi* holds that ברכות ראשונות are דאורייתא because of this ברייתא. Additionally, *Rabbeinu Chananel*³⁰ holds that ברכות ראשונות are דאורייתא, like the *Yerushalmi*.
10. [Kashia #5] What is *Rebbe Akiva*'s extension off of the תנא קמא in the ברייתא? Does the תנא קמא argue with *Rebbe Akiva*'s prohibition to taste anything before making a ברכה?
- a. [Teirutz #1] Maybe the תנא קמא only taught an obligation to make ברכות before and after eating but never specified how much food needed to be eaten. Therefore, we could have thought that the תנא קמא requires some measurement of food to be eaten, like כדי שביעה from “ואכלת ושבעת,” in order for the ברכות to become mandatory, and *Rebbe Akiva* is insisting that nothing can even be tasted without a ברכה.
 - i. [Kashia] But, how did *Rebbe Akiva* know to make this extension?
 - b. [Teirutz #2] Gad Dish: As Alan Rubin said previously,³¹ the תנא קמא was only discussing the need for ברכות before and after נטע רבעי, but *Rebbe Akiva* is extending the need for ברכות to anything.³²
 - i. [Kashia] This cannot be the original understanding of the ברייתא because the ברייתא was brought as a source for the necessity to make a ברכה before eating any food, so we could not have initially understood that the תנא קמא was only dealing with נטע רבעי.
 1. [Teirutz] Alan Rubin: Maybe the *gemara* was only sourcing our *mishna* from *Rebbe Akiva*, who holds that the requirement for ברכות applies to all food,³³ but the תנא קמא only holds of the need for ברכות by נטע רבעי.³⁴
 - a. [Kashia] Even if we go this route, how was *Rebbe Akiva* able to extend the ברכות to all food on a דאורייתא level?
 - i. [Teirutz] Alan Rubin: *Rebbe Akiva* could have had a דאורייתא סברא to extend.³⁵

²⁸ The Rosh Yeshiva, *shlit"א*, stressed that he does not believe this פשט.

²⁹ See the ירושלמי ברכות פ"ו ה"א.

³⁰ See רבינו חננאל ברכות דף לה ע"א ד"ה ואסיקנא למאן דתני כרם רבעי וכו'.

³¹ See *Teirutz #1 to Kashia #2* in Point 3 above.

³² Seemingly, this is only the understanding of the ברייתא according to the מקשן in Alan Rubin's פשט above. See Footnote #9 above. If so, it would appear that this would not address *Rebbe Akiva*'s extension in the ברייתא prior to the מקשן. See Footnote #10 above.

³³ Seemingly, if we maintain the understanding that *Rebbe Akiva* is a דעת יחיד arguing with the תנא קמא to extend the ברכות דאורייתא to all food, then it would appear to be difficult to suggest that the *gemara* initially attempted to source our *mishna* from *Rebbe Akiva*, especially considering that our *mishna* is a סתם *mishna*. Cf. Point 3ai above.

³⁴ Seemingly, if the *gemara* originally understood the ברייתא as presenting a debate between *Rebbe Akiva* and the תנא קמא as to whether all foods have a ברכה ראשונה or just נטע רבעי does and the *gemara* used *Rebbe Akiva*'s position to source our *mishna*, then it would appear that the מקשן of the *gemara* would have to come up with a new understanding as to what *Rebbe Akiva* holds in order for the מקשן to use the פסוק of “קדש הלולים לה” for his own purposes. Cf. Point 3 above.

³⁵ Seemingly, it is unclear what this סברא would be.

1. **[Kashia]** But, *Rebbe Akiva* is not bringing any **מכאן אמרו וכו'**, so *Rebbe Akiva* says, “מכאן אמרו וכו'” so *Rebbe Akiva* is coming from this פסוק of “קדש” not from a סברה! סברה! *Rebbe Akiva* is coming from this פסוק of “קדש” not from a סברה!
11. *Rebbe Akiva* has an interesting position in regards to ברכת המזון. Later on in the משניות,³⁶ we find a three-way מהלוקת over what items require ברכת המזון. According to רבן גמליאל, you make ברכת המזון on the שבעת המינים, as opposed to the חכמים who hold that you only make ברכת המזון on bread. However, *Rebbe Akiva* argues that a person makes ברכת המזון on **anything** that he gets full from.
- a. **[Teirutz #3 to Kashia #5]**³⁷ If so, when *Rebbe Akiva* approaches the פסוק of “קדש הלולים” לה, *Rebbe Akiva* does not need a לימוד to teach us a דאורייתא after ברכה because everything already has a דאורייתא after ברכה from, “ואכלת ושבעת וברכת.” Therefore, *Rebbe Akiva* uses the first לימוד from “הלולים” to teach that there is a דאורייתא ברכה ראשונה, and, with the spare second לימוד from “הלולים,” *Rebbe Akiva* is מחדש that the food is אסור even without a ברכה! And, this fits with *Rebbe Akiva*'s language of “מכאן אמרו” because *Rebbe Akiva* is coming from the לימודים of the פסוק of “קדש הלולים לה.”^{38 39}
 - i. However, the תנא קמא argues with *Rebbe Akiva* because the תנא קמא never learned from “ואכלת ושבעת וברכת” that **all** food has a דאורייתא after ברכה, and thus the תנא קמא has to use up the second לימוד of “הלולים” to teach that there is a דאורייתא ברכה after eating food.
12. As mentioned previously,⁴⁰ the מקשן of our *gemara* has a goal to downgrade the ברייתא from the תורת כהנים to be presenting a mere אסמכתא and not a bonafide דרשה, and this in fact is the underlying debate throughout the rest of the SVT⁴¹ of our *gemara*.
- a. **[Shaila]** Now, let's think what would happen if the ברייתא really was a דרשה, like the *Yerushalmi* learns למסקנה? Would there be any problems?
 - i. **[Tshuva]** Alan Rubin: There would be a contradiction between our *mishna*, which would hold that ברכות ראשונות are דאורייתא, and the *mishna* on דף כ ע"ב, which maintains that ברכות ראשונות are דרבנן. And, this would be much worse than just a simple מהלוקת between the משניות because both of our *mishnas* are סתם משניות,⁴² so there would be a direct short-circuit in *Rav Yehuda HaNasi*'s משניות.
13. **[Teirutz #4 to Kashias #1 & #4]**⁴³ With this, we can suggest that the מנא ה"מ did **not** see any indication in our *mishna* that ברכות ראשונות are דאורייתא, and the מנא ה"מ was fully aware that the

³⁶ See ברכות דף מד ע"א.

³⁷ This is really building up *Teirutz #1 to Kashia #5* in Point 10a above.

³⁸ See ילקוט מפרשים brought in the הורוויץ ברכות דף לה ע"א בד"ה מכאן אר"י ע' כו' קודם שיברך.

³⁹ Seemingly, if *Rebbe Akiva* only could derive from “קדש הלולים לה” that טעימה would be אסור because *Rebbe Akiva* already has a דאורייתא source for a ברכה אחרונה, then, when the מקשן attempts to downgrade this ברייתא from a דאורייתא דרשה to being a presentation of an אסמכתא (See *Teirutz #2 to Kashia #2* in Point 4 above.), it would appear difficult for *Rebbe Akiva* to exist on a דרבנן stage.

⁴⁰ See *Teirutz #2 to Kashia #2* in Point 4 above.

⁴¹ SVT stands for Shakla VeTaryah (שקלא וטריא).

⁴² When *Rav Yehuda HaNasi* writes a *mishna* as סתם, i.e. without a specific author, that is an indication that *Rav Yehuda HaNasi* is *paskening* like this *mishna*.

⁴³ Note: This *Teirutz* was modified after the *shiur* was given, so it is slightly different than the Rosh Yeshiva's initial presentation in the *shiur*.

earlier *mishna* on ע"ב כ דף shows that ברכות ראשונות are really דרבנן. However, the מנא ה"מ was driven by the ברייתא from the תורת כהנים, which includes the קמא and *Rebbe Akiva* both דרשן -ing the פסוק of "קדש הלולים לה" to classify our *mishna* as being on a דאורייתא level, and the מנא ה"מ move is in fact the *Yerushalmi*, which holds למסקנה that ברכות ראשונות are דאורייתא from this ברייתא. The *Talmud Yerushalmi* itself abandoned the משניות in favor of matching the דאורייתא -looking ברייתא with our *mishna*, leaving *Rav Yehuda HaNasi*'s משניות to contradict each other. So, now, the *Yerushalmi* מנא ה"מ is trying to break into the *Talmud Bavli* and is slapping this ברייתא onto our *mishna* in order to make the *Bavli* also learn that ברכות ראשונות are דאורייתא, even though the מנא ה"מ knows that this will cause our *mishna* to turn against and contradict the previous *mishna* on ע"ב כ דף that holds the ברכות are דרבנן.

a. However, the *Talmud Bavli* refused to allow our *mishna* to contradict the previous סתם *mishna*, and therefore the מקשן of the *gemara* lashes out against the מנא ה"מ to downgrade this ברייתא to a אסמכתא, in an effort to preserve *Rav Yehuda HaNasi*'s משניות in the *Bavli*. And, the *Talmud Bavli* continues fighting tooth and nail through the SVT of our *gemara* to prove that the ברייתא, which does not look at all like an אסמכתא, is in no way teaching that ברכות are דאורייתא.

i. **[Support]** This פשט also gains an advantage that we can now understand why the *gemara* is willing to entertain all of the מקשן's *kashias*, even though *Tosafot* consistently is popping in with ways to deflect and deflate the מקשן's attacks.

ii. **[Kashia]** The big דוחק here is that, according to this פשט, the מנא ה"מ is not investigating the source of the *mishna* and is the same person who brings up the ברייתא, whereas usually a מנא ה"מ is a *kashia* against the *mishna* that it is difficult to justify the *mishna* teaching a law without a source.

1. **[Teirutz]** However, this דוחק is not so bad because *Tosafot* in מציעה⁴⁴ explains that there are many times in ש"ס that the person asking the question and the one responding are the same person, and *Tosafot* lists a few examples over there. Therefore, there is room to say that this מנא ה"מ was one such case where the questioner is also the person bringing the ברייתא in response.

a. **[Support]** Fali Kirzner: The לשון of the *gemara* supports the idea that the מנא ה"מ is also bringing the ברייתא because the *gemara* says, "מנא ה"מ דתנו רבנן קדש וכו", with a "ד," which implies that the ברייתא is still a part of the previous speaker's sentence. The normal way to write these moves if they were two speakers would be to say, "מנא ה"מ? תנו רבנן קדש וכו".

⁴⁴ See תוספות ב"מ דף כא ע"א ד"ה וכמה א"ר יצחק קב בארבע אמות.