



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

### Pesachim Daf Chuf Vuv

- **Abaye** explains that we see from a Braisa that **R' Yehuda** says having benefit from something that is assur b'hana'ah is mutar when it is unavoidable, even if intended. A Braisa says that **R' Yochanan ben Zakai** would sit and teach in the shade of the Heichal. Now, that was an unavoidable benefit (he had to teach there due to the large number of talmidim), was intended, and it was permitted (this Braisa must follow **R' Yehuda**, because **R' Shimon** would surely say it was assur based on intent).
  - **Rava** would say this is not a proof, because the Heichal was made to protect what was inside. Using its shade from the outside is considered to be an unusual use and is therefore mutar.
- **Rava** explains that we see from a Mishna that **R' Yehuda** says having benefit from something that is assur b'hana'ah is assur when it is unavoidable and intended. A Mishna (which all seem to agree with) says that when repairs or maintenance were needed to be done to the walls of the Kodesh Hakodashim, the craftsmen doing the work were lowered from above in boxes that only allowed them to see the wall in front of them, to prevent them from gazing around the room. This is a case of unavoidable and intended benefit, and we see that it is assur.
  - **Abaye** says this is not a proof, because **R' Shimon ben Pazi in the name of R' Yehoshua ben Levi in the name of Bar Kappara** says that the halachos of "me'ilah" (unlawful benefit from hekdesch) do not apply with regard to sound, seeing things, and smell. Therefore, the only reason they must have had to be enclosed in a box is a special chumra, not because it was truly assur.
  - **Another version: Rava** says, from the fact that **Bar Kappara** says there is no "me'ilah" regarding sound, seeing things, and smell, he seems to be saying that there is no "me'ilah", but it is assur! Presumably **Bar Kappara** is saying that it is assur even for the people standing inside the Beis Hamikdash doing the Avodah (for them it is unavoidable and intended and yet it is assur).
    - **Abaye** would say that **Bar Kappara** refers only to the people standing on the outside, for whom the benefit is avoidable.
- **Bar Kappara** said, the halachos of "me'ilah" do not apply with regard to sound, seeing things, and smell.
  - **Q:** A Braisa says that one who smells the ketores has committed "me'ilah"? **A:** Rather, **R' Pappa** said that sound and seeing things have no me'ilah, because there is no substance. Smell has no me'ilah if one smells the ketores after the column of smoke has arisen, at which time the mitzvah has been completed.
    - **Q:** We find that one commits me'ilah by benefitting from the terumas hadeshen even though the mitzvah has been completed!? **A:** The Torah tells us that one commits me'ilah by terumas hadeshen and by using the clothing of the Kohen Gadol after Yom Kippur, even though in each case the mitzvah has been completed. Since the Torah taught us this halacha in each case, it meant that it should not be applied elsewhere (if it should be, there was no reason to mention it in more than one place).
      - **Q: R' Dosa** says that a regular Kohen may use the clothing of the Kohen Gadol after Yom Kippur. If so, why doesn't terumas hadeshen teach that all other places are subject to me'ilah even if the mitzvah has been performed!? **A:** The case of egla arufah also teaches that one may not benefit from it even after the mitzvah is done. Therefore, committing me'ilah after the mitzvah is done is limited to these two instances.

- **Q:** There are those who say that even when the Torah teaches us something in 2 instances, it may still be used as a source to all other places. If so, why don't these teach to all other places!? **A:** Terumas hadeshen and eglā arufah have words that act to limit the application to those cases alone (“visamo”, “ha’arufah”).
- **Q:** A Braisa says, if a person hitched up a calf to a team of threshing cows so that it should be near its mother and be able to nurse from it, and the calf assisted in the threshing as well, the calf may still be used as an eglā arufah (which must be a calf that has not performed any labor). The Braisa continues, that if he had in mind that the calf should nurse and thresh, it becomes passul to use as an eglā arufah. Now, this second case is a case of unavoidable but intended benefit, and we see that it is assur!? **A:** The case of eglā arufah is different, because the pasuk says “asher lo **ubad** bah”, which teaches that even unintended labor makes it assur.
  - **Q:** If so, why is it mutar in the first case!? **A: R’ Pappa** explains, we are taught by the pasuk that a calf becomes passul to use as an eglā arufah only when the owner is pleased that the work was performed. Therefore, in the first case, where he did not intend for it and is therefore not pleased with it, since it happened on its own it does not become passul. In the second case, he intended for it and is therefore pleased with it. Therefore, it becomes passul.
- **Q:** A Braisa says that a found object may not be used for the finder’s benefit, but must be cared for. Therefore, a found garment may only be spread out for its own care (not to beautify the finder’s house). The Braisa says, if the finder has guests, he may not spread the garment even for its own care. Presumably this is because although the benefit is unavoidable (it needs to be spread for its own care), since it is also intended it is assur!? **A:** The case of a found object is different because spreading it in front of people leads to its total loss, either through ayin harah, or through it becoming known and then stolen.
- **Q:** A Mishna (which must follow **R’ Shimon**) says that sellers of clothing may wear their merchandise, even if shatnez, as long as they don’t intend to benefit from it. This is an avoidable but unintended benefit, and we see that **R’ Shimon** allows it, not like the first version of **Rava** had said **R’ Shimon** would hold!? **TEYUFTA** of this first version.

V’LO YASIK BO...

- A Braisa says: If one lights an oven with peels of orlah or straw of kilayim, if it is an oven that was lit for the first time (which completes the oven making process), the oven must be crushed. If it is an older oven, the oven must totally cool down before it can be used to bake or cook anything. If one baked bread using this fire, **Rebbi** says the bread is assur. **The Chachomim** say the bread is mutar. However, all agree that if the bread was baked from the coals of the assur items, the bread is mutar.
  - **Q:** Another Braisa says, whether the oven is old or new it must only be left to cool down!? **A:** The first Braisa follows **Rebbi** (who says the bread would be assur). The second Braisa follows the **Rabanan** (who say the bread is mutar).
    - **Q: Rebbi** says the bread is assur because the assur items actually bake the bread. When the oven is completed with the assur items and that oven is later used for baking bread with a permitted fire, the bread is baked with a combination of the assur oven and the mutar fire. In that case, who says that **Rebbi** would say that it is assur!? **A:** The first Braisa follows **R’ Eliezer**, who says that the combination of 2 things, one of which is assur, is likewise assur.
      - **Q:** Where do we find that **R’ Eliezer** says this?
        - It can’t be from what **R’ Eliezer** says in a Mishna, that when yeast of chullin and yeast of terumah fell into a dough, each one by itself not being large enough to make the dough rise, but together making the dough rise, **R’ Eliezer** says we look at whichever yeast fell in last: if the terumah fell in last, the dough becomes assur to a non-Kohen, but if the chullin fell in last it is mutar. **Abaye** explains that **R’ Eliezer** only says that when the terumah yeast was removed. However, if both yeasts remain in the dough, the dough is assur because a combination of 2 things, one of which is assur, is also assur. The proof can’t be from here, because maybe the reason of **R’ Eliezer** is not

like **Abaye** says. Maybe it is because he follows whatever fell in last, whether or not the terumah was removed!

- It can't be from a Mishna that discusses using wood of an asheirah tree. The Mishna says that if one fired up a new oven (that was never before fired up) with asheirah wood, the oven must be crushed. **R' Eliezer** agrees that the oven becomes assur but says that one may "redeem" that assur benefit onto money and dispose of the money. The proof can't be from here, because maybe the reason of **R' Eliezer** is because he is more machmir when dealing with avodah zarah, but would not hold this way in other instances!
- The Gemara says, it must be from this case of the asheirah wood, because if not, who will we say is the Tanna of that first Braisa!? Also, a Braisa clearly says that **R' Eliezer** says a combination of 2 things, one of which is assur, is also assur by all issurim, not just by avodah zarah!