



Daf In Review – Weekly Chazarah

Maseches Pesachim, Daf אב – Daf אג

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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PEREK KOL SHA'AH -- PEREK SHEINI

MISHNA

- As long as it is permitted to eat chametz on Erev Pesach, one may: give chametz to domesticated animals, wild animals, and birds; may sell chametz to a goy; and one may have benefit from the chametz. Once the permitted time for eating has passed, benefitting from the chametz is assur, and one may not use the chametz to fuel an oven.
- **R' Yehuda** says one must get rid of his chametz by burning it. The **Chachomim** say, one may even crumble the chametz and throw it to the wind or into the sea.

GEMARA

- The Mishna is mashma that when it is not permitted to eat, it is no longer permitted to benefit from the chametz either.
 - **Q:** Who does the Mishna follow? It can't follow **R' Yehuda**, because he permits benefitting during the 5th hour, when he says it is assur to eat!? The Mishna also can't be following **R' Meir**, because the Mishna seems to be discussing 2 different people – as long as it is mutar for someone to eat, it is mutar to benefit from the chametz. If the Mishna is following **R' Meir**, the Mishna should say "As long as one eats, he can benefit from the chametz"!? **A:** **Rabbah bar Ulla** said, the Mishna follows **R' Gamliel**, and means to say that as long as a Kohen is still allowed to eat terumah (during the 5th hour), one may benefit from the chametz.
- **Q:** Why does the Mishna need to mention domesticated animals, wild animals and birds? Mentioning one would have been enough!? **A:** If it would just say domesticated animals, we would think giving to them is mutar, because anything given to them that they don't eat, they leave out in the open, so the person will get rid of it. Wild animals hide what they leave over, so we would think that we can't give them chametz so close to the time of issur. If it would only say wild animals, we would think that giving to them is mutar, because they hide their leftovers and one would therefore not be oiver "bal yei'raeh". However, it would be assur to give food to domesticated animals that leave the extra food in the open.
 - **Q:** Why did the Mishna need to mention birds? **A:** Once the Mishna says domesticated animals and wild animals, it also says birds.

U'MOCHRO L'NACHRI

- **Q:** It is obvious that it can be sold to a goy!? **A:** It comes to exclude the shita of **B'S**, who say that one may not sell chametz to a goy before Pesach unless he knows that the chametz will be gone when Pesach begins.

UMUTAR B'HANA'AH

- **Q:** This is obvious!? **A:** The chiddush is like **Rabbah** taught, that if one burns his chametz beyond recognition before the issur chametz begins, it is mutar to benefit from it even on Pesach.

AVAR ZMANO ASSUR B'HANA'ASO

- **Q:** This is obvious!? **A:** The chiddush is like **R' Yochanan** says, that even when eating and benefitting from the chametz would only be assur D'Rabanan (in the 6th hour), it is considered completely assur, and if one would attempt to use the chametz at that time to make a kiddushin, it would not be effective.

V'LO YASIK BO TANUR V'KIRAYIM

- **Q:** This is obvious!? **A:** The chiddush is, that even according to **R' Yehuda** who says that chametz must be burned, one may not benefit from the burning of the chametz.

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- **Chizkiya** said, we learn from a pasuk that chametz is assur b'hana'ah. Instead of saying "one shall not eat chametz", the pasuk says "chametz shall not be eaten". This teaches that no benefit may be had from the chametz. By darshening in this way, he argues on **R' Avahu** who says that anyplace that the Torah simply writes "one shall not eat...", it includes an issur hana'ah as well, unless the Torah specifically permits having hana'ah, as it does by "neveilah", where it permits it to be given to a "ger" (goy who keeps the 7 mitzvos) and permits it to be sold to a regular goy.
 - There is a machlokes in the Braisa regarding neveila: **R' Meir** says the pasuk regarding neveilah is needed to teach that one may benefit from the neveilah, because typically something that is assur to be eaten is also assur to benefit from (which is exactly what **R' Avahu** says). **R' Yehuda** says the pasuk teaches that one may only give it to a ger or sell it to a goy, not visa-versa (**R' Meir** said visa-versa is permitted as well).
 - **Q:** According to **R' Yehuda**, the pasuk is not teaching that benefit is permitted, which means the pasuk does not teach that an issur of eating is necessarily an issur of benefit as well. According to **R' Yehuda**, how does **R' Avahu** learn his halacha that an issur of eating is automatically an issur of benefit as well? **A:** The pasuk says that a treifah, about which the pasuk says "you shall not eat", should be "thrown to the dogs". The Torah teaches that if not for that specific permit to benefit, any benefit would be assur.
 - **R' Meir**, who doesn't need the pasuk to teach that, says that the pasuk teaches that a treifah may be thrown to the dogs, inferring that if chullin was slaughtered in the Azarah (which is assur to do and which makes the animal assur to eat) it may not be thrown to the dogs. Since the Torah doesn't specifically say this is assur to eat, it would be permitted to benefit from. That is why **R' Meir** says this lesson is needed.
 - **R' Yehuda** says that D'Oraisa one may actually benefit from such an animal. The pasuk is not teaching such an issur, and it is therefore available to teach **R' Avahu's** halacha.

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- **R' Avahu** said that whenever the Torah says that "one may not eat" something, the item becomes assur to benefit from as well.
 - **Q: R' Yitzchok Nafcha** asked, the Torah says that one may not eat the "gid hanasheh", and yet a Mishna says that one may benefit from it by giving it to a goy!? **A:** Gid hanasheh is different, because **R' Avahu** holds that when the Torah permitted benefitting from a neveilah, it meant to include all parts of the neveilah (the meat, the fats and the gid hanasheh) as well.
 - **Q:** That is correct according to the shita that says that the gid hanasheh has "flavor" and is considered a piece of meat. However, according to the shita that says that the gid hanasheh is like a "piece of wood", it cannot be said to be included in the permit of the neveilah as a whole!? **A: R' Shimon** is the one who says that the gid is "like a piece of wood", and he also holds that it is assur to benefit from the gid, which is the way it should be according to **R' Avahu**.
 - **Q:** The Torah says that one may not eat blood, and yet a Mishna says that the blood of the korbonos would flow into the Kidron Valley, and would be used as fertilizer!? **A:** The pasuk compares blood to water when it says "ahl ha'aretz tishpichenu kamayim", to teach that just as it is permitted to benefit from water, so too it is permitted to benefit from blood.
 - **Q:** Maybe the pasuk is referring to water used on the Mizbe'ach, which is also assur to benefit from!? **A: R' Avahu** says, the pasuk refers to ordinary water, which is mutar.
 - **Q:** The pasuk doesn't say it is referring to ordinary water!? **A: R' Ashi** says the pasuk refers to water that is "spilled" onto the ground, not water that is "poured" onto the Mizbe'ach.
 - **Q:** Maybe the pasuk refers to water offered for avodah zarah, which is assur to benefit from!? **A:** That would also be water that is "poured" and the pasuk refers to water that is "spilled".

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- **Q:** According to **Chizkiya** (who says the pasuk is not needed to teach that), what does the comparison of blood to water teach? **A:** It teaches the din of **R' Yochanan**, that blood of korbonos is not machshir l'kabel tumah.
- **Q:** The Torah says that one may not eat “eiver min hachai”, and yet a Braisa says that one is permitted to benefit from it!? **A:** The pasuk compares eiver min hachai to blood, to teach that just as it is permitted to benefit from blood, it is permitted to benefit from eiver min hachai.
 - **Q:** According to **Chizkiya** (who says the pasuk is not needed to teach that), what does the comparison of eiver min hachai to blood teach? **A:** It teaches that eating (certain) blood from a living animal is assur and carries the kares penalty.
- **Q:** The Torah prohibits eating (“lo yei'acheil”) from an animal that was stoned by Beis Din, and a Braisa says that the words in the pasuk of “u'bal hashor naki” teach that the animal is assur to benefit from as well. We see that “lo yei'acheil” by itself does not mean a prohibition of benefit!? This is problematic according to **R' Avahu and Chizkiya**!? **A:** The pasuk said “lo yei'acheil es bisaro”, so we would have thought that only the meat is prohibited to benefit from. The words “u'bal hashor naki” teach that even the hide of the animal is assur b'hana'ah.
 - **Q:** There are shitos who use “u'bal hashor naki” for different teachings. How do they know that the hide is assur b'hana'ah? **A:** They learn it from “**es bisaro**”.
 - The ones who learn it from “u'bal hashor naki” don't learn anything from the word “**es**”.
- **Q:** The Torah prohibits eating (“lo yei'acheil”) from the fruits of a tree during its first 3 years (“orlah”). A Braisa says that additional words in the pasuk teach that the fruits are also assur b'hana'ah. We see that “lo yei'acheil” does not mean a prohibition of benefit!? This is problematic according to **R' Avahu and Chizkiya**!? **A:** The reason we need the additional words to teach that is because that pasuk says “lachim”, which seems to say that benefit is permitted. That's why the pasuk needs a separate teaching that it is not.
 - **Q:** Why does the pasuk need to say the word “lachim” altogether? **A:** There is a machlokes in a Braisa. The **T”K** says “lachim” teaches that even a tree planted for the public is subject to the halachos of orlah. **R' Yehuda** says “lachim” teaches that the halachos do not apply to trees planted for the public.

-----Daf 23-----

- The Gemara continues to ask on the views of **R' Avahu** and **Chizkiya** (from the previous Daf).
 - **Q:** The Torah says that a non-Kohen may not eat terumah, and yet a Mishna says that a non-Kohen may use terumah to make an eiruv!? **A:** **R' Pappa** said, benefit is allowed by terumah because the pasuk says “terumas'chem” – it is **your** terumah to use.
 - **Chizkiya**, who doesn't need the pasuk to permit benefitting from the terumah, says the pasuk says “terumas'chem” in reference to all the Levi'im of Klal Yisrael, but there is no lesson being taught.
 - **Q:** The Torah says that a nazir may not eat grapes or drink wine, and yet a Mishna says that a nazir may use wine to make an eiruv!? **A:** **Mar Zutra** said, the pasuk says “nizro” – it is **his** nezirus to benefit from. **A2:** **R' Ashi** said, the pasuk says that the hair on the nazir's head shall be kadosh. This teaches that his hair shall be kadosh and is assur to benefit from, but nothing else shall be assur in that way.
 - **Q:** The pasuk doesn't say that nothing else should be kadosh!? **A:** We must revert back to **Mar Zutra's** answer.
 - **Q:** The Torah says that one may not eat chadash, and yet a Mishna says that it is permitted to benefit from the chadash!? **A:** **R' Shmaya** said, the pasuk there says “ketzirchem” – what you cut shall be yours to use.
 - **Chizkiya** says “ketzirchem” refers to the cutting of all of Klal Yisrael, but there is no lesson being taught.

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- **Q:** The Torah says that sheratzim shall not be eaten (“lo yei’acheil”), and yet a Mishna says that if one intended to catch other animals and sheratzim ended up in his trap, he may sell it to a goy!? **A:** The pasuk there says “*lachem*”, which teaches that it shall be yours to benefit from.
 - **Q:** If so, why can’t one catch sheratzim l’chatchila!? **A:** The pasuk says “yihiyu”, which teaches that it should be assur to benefit from. Therefore, we learn that it is assur l’chatchila only.
 - **Q:** According to **Chizkiya**, why does the Torah write “lo yei’acheil” which tells us that it is assur to benefit, and then writes “lachem” to tell us that it is mutar? The Torah should not use the verbiage of “lo yei’acheil” and then wouldn’t have to write “lachem” either!? **A:** **Chizkiya** would say, this is where we see that when the Torah says “lo yei’acheil”, it means that it is assur to benefit unless the Torah specifically allows it.
- **Q:** The Torah says that chametz shall not be eaten (“lo yei’acheil”), and yet **R’ Yose Haglili** says in a Braisa that chametz is mutar b’hana’ah!? **A:** The pasuk there says “lo yeirah *lecha*”, which teaches that it is yours to benefit from.
 - The **Rabanan**, who argue and say that chametz is assur b’hana’ah, say that “lecha” teaches that one may not see his own chametz, but he may see the chametz of a goy or of hekdesch.
 - **R’ Yose Haglili** learns this din from the second mention of “lecha” in the pasuk.
 - The **Rabanan** say, both mentions are needed: one to teach that you may see the chametz of a goy who is under Jewish control, and one to teach that the din applies to a goy not under Jewish control.
 - **R’ Yose Haglili** learns this from a third mention of the word “lecha”.
 - The **Rabanan** use this to learn that the halacha applies to edible chametz (which one must be afraid he may come to eat) and to yeast (which is not edible, but can make other things chametz).
- A Braisa says, the pasuk regarding neveilah says that the cheilev (fats) of a neveilah (which the Torah says may not be eaten) may be used for “any purpose”. **R’ Yose Haglili** says that this teaches that it may even be used for mundane use, not only for purposes of kodashim. **R’ Akiva** says it teaches that not only is it not considered tamei when used on chullin, it is even true when used on kodashim.
 - **Q:** Maybe the basis for the machlokes is **R’ Avahu’s** din? **R’ Yose Haglili** holds that because it is assur to eat, it is also assur to benefit from, so the pasuk is therefore needed to allow benefit. **R’ Akiva** holds that the issur to eat does not mean there is an issur to benefit from, and the pasuk therefore must be teaching a din regarding tumah!? **A:** It could be that all agree with **R’ Avahu’s** din. **R’ Yose Haglili** holds that when the pasuk allows benefitting from a neveilah, it only allowed benefitting from the meat, not the fats or the gid. Therefore, we need this pasuk to permit benefit of the fats. **R’ Akiva** says that the permit of benefit by a neveilah already allowed benefit of the fats and gid. Therefore, this pasuk must be teaching a din regarding tumah.
 - **Q:** According to **R’ Yose Halglili**, benefitting from the gid should be assur, because there is no specific permit like there is regarding the fats!? **A:** He would say that benefitting from the gid is assur. **A2:** He uses a kal v’chomer to say, that if fats (which carry a kares penalty) may be benefitted from, surely the gid (which does not carry the kares penalty) may be benefitted from.
 - **R’ Shimon** (who says one may not benefit from the gid) would say the kal v’chomer is not valid, because we find that fats are more lenient in that the fats of a wild animal are permitted to eat.
 - **R’ Yose Haglili** would say that this is not a leniency, because the fats of a domesticated animal are never allowed.
 - **Q:** We seem to have always found a reason why benefit would be permitted when the pasuk says “do not eat” (except for chametz and an ox stoned by Beis Din). What is the practical difference between **Chizkiya** and **R’ Avahu**!? **A:** The difference would be the Gemara discussed last Daf. **Chizkiya** uses the word “oso” regarding a treifah to teach that chullin slaughtered in the Azarah is assur b’hana’ah. **R’ Avahu**, according to **R’ Yehuda**, needs the word “oso” to teach his din that every issur of eating is also an issur of benefitting. He will therefore say that benefitting from chullin that was slaughtered in the Azarah is only assur D’Rabanan.

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- One of the **Rabanan** told **R' Shmuel bar Nachmeini**, that **R' Yehoshua ben Levi** learned that chametz and an ox stoned by Beis Din are assur b'hana'ah based on a different source (**R' Yehoshua ben Levi** says that "lo yei'acheil" does not mean a prohibition of benefit, that the pasuk of nevielah is used like **R' Yehuda** suggests, and that the "oso" of treifa teaches about chullin slaughtered in the Azarah – he therefore needs a source for the prohibition of benefit). He says, the pasuk about a korbon chatas whose blood was applied to the wrong Mizbe'ach says that it must be burned in fire. We already know that halacha. Therefore, it must be that the pasuk is teaching regarding other issurin in the Torah, and it must be teaching that they are assur b'hana'ah.
 - **Q:** If so, these issurin which we are learning are assur b'hana'ah should have to be burned (like the pasuk says)!? **A:** The pasuk says "Bakodesh...ba'eish tisareif" – only kodesh must be burned, not these other items.
 - **Q:** **R' Shimon** says these words are needed to teach a different halacha, so they are not available to teach that other issurin are assur b'hana'ah!? **A:** **R' Yonasan** says that the source for the prohibition of benefit is from a pasuk that says that leftovers of the korbon must be burned and may not be eaten ("lo yei'acheil"). We already know from another pasuk that it must be burned (and therefore not eaten), so this pasuk must be teaching regarding other items that are assur to eat and teaches that they are assur b'hana'ah as well.
 - **Q:** Based on the pasuk, these other items should have to be burned!? **A:** The pasuk says "v'sarafta es hanosar" which teaches that only the leftover korbonos must be burned.
 - **Q:** **R' Elazar** says that "lo yei'acheil" of this pasuk teaches that one who eats a passul korbon transgresses a "lo sasei" as well as an "asei", and is therefore not available to be the source of the prohibition on benefit!?

-----Daf 72-----24-----

- **Abaye** said that **R' Yehoshua ben Levi's** source is from the pasuk suggested initially regarding a korbon chatas whose blood was wrongly placed on the inside Mizbe'ach. However, the extra words which are **R' Yehoshua's** source are not the "b'aish tisareif" as originally thought (which led to the question that they are needed to teach a different lesson). The extra words are the "lo sei'acheil", because we already know from **R' Elazar's** drasha that it is assur to eat. Therefore, these words must be teaching about other issurim (i.e. chametz on Pesach and an ox stoned by Beis Din) that they are assur b'hana'ah.
 - **Q:** **R' Pappa** asked, maybe the words are teaching that there is an issur to eat them, and the reason we can't rely on **R' Elazar's** teaching is that it would not result in a malkus penalty (it is a general lav). Therefore we need this pasuk to assign a malkus penalty, and it is not available to be **R' Yehoshua's** source!? **A:** **R' Pappa** therefore says that **R' Yehoshua's** source is the pasuk that says that the meat of a korbon that became tamei may not be eaten and must be burned in fire. We already know that this meat may not be eaten based on a kal v'chomer from ma'aser sheini. If ma'aser sheini cannot be eaten when tamei, surely a korbon cannot be eaten when tamei. In fact, there is a hekesh between ma'aser and korbanos, which would alleviate the issue that we don't give punishment based on a kal v'chomer. If so, the "lo yei'acheil" in the pasuk is extra and can be used as the source for **R' Yehoshua**.
 - **Q:** **Ravina** asked **R' Ashi**, maybe the pasuk teaches that there is a second lav that one transgresses for eating a tamei korbon!? We find that the Torah does this regarding the various sheratzim!? **A:** **R' Ashi** said, if there is a drasha to make, we make it rather than to say that there is a second lav.
 - The pasuk quoted by **R' Pappa** says "v'habasar" that becomes tamei shall not be eaten. The word "v'habasar" comes to include that the wood and levonah of hekdesch can also become tamei (even though they are not food). The pasuk ends off that "v'habasar" that is tahor may be eaten by tahor people. That word "v'habasar" teaches that one who eats of the parts of a tamei korbon that were meant to go onto the Mizbe'ach, is included in the lav and gets malkus.
 - **Q:** This last halacha is learned from a different pasuk!? **A:** The other pasuk teaches that if a tamei person eats from a korbon he gets kares. This pasuk teaches that if the korbon is tamei and the person is tahor, he would get malkus.

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- **R' Avahu in the name of R' Yochanan** said, one gets malkus for eating anything that the Torah says is assur to eat, only if eaten in the normal way they are eaten. As an example of what this is meant to exclude, **R' Simi bar Ashi** said, this excludes eating raw fats.
 - **Another version** was that **R' Avahu in the name of R' Yochanan** said, one gets malkus for benefitting from something that the Torah says may not be benefitted from, only if it is done in the normal way of benefit. As an example of what this is meant to exclude, **R' Simi bar Ashi** said, this excludes one who benefits from the fats of a stoned ox by placing it on a wound to heal it.
 - **Abaye** says, that one would get malkus for benefitting from kilayim of the vineyard even if it is done in an abnormal way, because this issur hana'ah is not learned from the Torah saying it is assur to eat.
 - **Q:** A Braisa says, **Isi ben Yehuda** says, we learn that meat cooked in milk is assur to eat from a gezeirah shava from treifa. We learn that it is assur b'hana'ah from a kal v'chomer: if orlah, which does not come about through an aveirah, is assur to benefit from, meat cooked in milk, which is done through an aveirah, surely will be assur b'hana'ah. **Isi ben Yehuda** continues, you may try to refute this kal v'chomer by saying that orlah never had a time during which it was permitted (which is why it is assur b'hana'ah), but milk and meat were permitted before they were cooked!? To that we can answer that chametz was permitted before Pesach and yet it is assur b'hana'ah on Pesach! You may try to ask that chametz carries a kares penalty (which may be why it is assur b'hana'ah), but meat cooked in milk does not!? To this we can answer that kelayim of the vineyard does not carry the kares penalty and yet it is assur b'hana'ah! Now, if **Abaye** is correct, we should ask that kilayim of the vineyard is more stringent because one gets malkus for benefitting from it even in an unusual way!? **A: Abaye** says that one gets malkus even for benefitting in an unusual way from meat cooked in milk as well (because it too is not learned from an issur of eating)!

-----Daf דב-----25-----

- The Gemara continues its discussion.
 - **Q:** Why didn't **Isi ben Yehuda** ask, that kelayim of the vineyard is more stringent because it never had a moment of permissibility, which can't be said of meat and milk!? **A: R' Ada bar Ahava** said, it must be that kilayim only becomes assur from when it takes root, but until then it is permissible. Once taking root, the entire plant that was placed in the vineyard becomes assur.
 - **Q: R' Shmaya** asked, a Mishna says seems to say that only the new growth that occurs in the vineyard is assur, but the original plant that was moved into the vineyard is not!? **A: Rava** said, there are 2 pesukim, one which seems to say it is assur upon planting and one that seems to say only new growth is assur. Therefore, if seeds are planted in a vineyard, it becomes assur at the time of rooting. If a plant is replanted in a vineyard, only the new growth is assur.
- **R' Yaakov in the name of R' Yochanan** said, a person may use anything to heal himself, except for the wood of an asheirah tree.
 - **Q:** What case is being discussed? If he is in grave danger, he should be allowed to use anything at all, including wood of the asheirah tree! If he is not in grave danger, he should not be allowed to use any item that is assur!? **A:** The case being discussed is where the person is in grave danger, and even so, he may not use the wood of an asheirah tree. We find that **R' Eliezer** in a Braisa learns from the parsha of Shema that one must give up his life for Hashem rather than worship avodah zarah, and using its wood makes it look like he believes in and worships that avoda zarah.
- **Ravin in the name of R' Yochanan** said, one may heal himself using any means, except one that involves avodah zarah, giluy arayos or murder.
 - The prohibition to use means of giluy arayos or murder is learned from a Braisa. In the Braisa, **Rebbi** says, the pasuk compares giluy arayos to murder. From there we learn a halacha from each for the other. First, just like one may kill a rapist before he can act, so too one may kill a murderer before he can act. Second, just like one must let himself be killed rather than to kill another Yid ("who says your life is

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more valuable than his” and he must therefore let himself be killed), so too a person must allow himself to die rather than to transgress giluy arayos.

- **Mar bar R' Ashi** once saw **Ravina** applying oil of orlah (which is assur to benefit from) to his daughter. He said to him, that is only mutar in a case of grave danger!? **Ravina** replied, she is suffering from a fever which is considered life threatening.
 - **Another version** says that **Ravina** replied, the oil is not being used in a normal manner, so it is mutar to use like this.
- If a forbidden benefit comes to a person unwillingly: **Abaye** says it is mutar and **Rava** says it is assur.
 - In a case where it is possible for him to have avoided the benefit and he intends to benefit, or in a case where he could not have avoided it, but he still intends to benefit, all would agree it is assur. In a case where he could not avoid it, and he does not intend to benefit from it, all agree that it is mutar. The machlokes is only where he could have avoided it, but he did not intend to benefit. Even then, according to **R' Yehuda** who says that an unintentional act is forbidden, all would agree that it would be assur. The machlokes would be according to **R' Shimon** who says that such an act is mutar. **Abaye** clearly agrees with **R' Shimon**. **Rava** says, that **R' Shimon** only says it is mutar when it is unavoidable. However, when (like this case) it is avoidable, it would be assur.
 - **Another version** says, if the benefit is avoidable, but he does not intend to benefit, that case would be the machlokes between **R' Yehuda** and **R' Shimon** (**R' Yehuda** would say it is assur and **R' Shimon** would say it is mutar). If the benefit is unavoidable and he does not intend to benefit, all would agree that it would be mutar. The machlokes between **Abaye** and **Rava** would be where the benefit is unavoidable, but he does intend to benefit. In this case, according to **R' Shimon** who says that intent is the determining factor, both would agree that this would be assur. The machlokes is according to **R' Yehuda**, who says that when it is avoidable it is assur regardless of intent. **Abaye** says that **R' Yehuda** would say that it would be mutar in this case because it is unavoidable. **Rava** says that even **R' Yehuda** would agree that it would be assur in this case. He only doesn't allow intent to be considered a reason to make something mutar. However, he does take intent into account when doing so would make something assur.

-----Daf 10-----26-----

- **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 Kodsh 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).

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- **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 eglarufah 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 eglarufah 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 eglarufah (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 eglarufah. Now, this second case is a case of unavoidable but intended benefit, and we see that it is assur!? **A:** The case of eglarufah 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 eglarufah 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.

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- **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!

-----Daf 17-----

- **Abaye** said, if we say that **Rebbi** is the Tanna of the first Braisa which says that the oven must be crushed (because he holds that the combination of two things, one of which is assur, causes the result to be assur), **Rebbi** shares the view of **R' Eliezer**. If we say that **Rebbi** only forbids the bread baked in the fire fueled by things that are assur b'hana'ah, but would say that the oven is fine (even if it is fired up for its first time with assur wood, because going forward the oven will be a combination of this first assur fire and future mutar fires), he would agree that earthenware utensils heated for the first time in a fire fueled by assur wood would be assur (they are used without being heated up again). **Rebbe and R' Eliezer** would only argue regarding an oven.
- **Shmuel's** version of the Braisa was that **Rebbi** said that bread baked in an oven fired up with assur wood is mutar, and the **Chachomim** said that it is assur. Either we must say that **Shmuel's** version was the reverse of the way we learned earlier, or we can say that **Shmuel** really had the same version as we did. However, he wanted everyone to pasken that the bread is assur, so he attributed that shitah to the **Chachomim** so that people would pasken that way.

BISHLA AHL GABEI GECHALIM DIVREI HAKOL HAPAS MUTERES

- **Shmuel and R' Yochanan** argue: one says that **Rebbi** only permitted the bread when the coals were no longer flaming, and the other says that **Rebbi** allowed it even if the coals were still aflame.

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- **Q:** According to the shita that **Rebbi** permits the bread even with coals that were still aflame, in what case would **Rebbi** say that it would be assur!? **A: R' Pappa** said, when the wood is still intact and in flames. At that point he would still be benefitting from the wood.
 - **Q:** That would mean that the **Rabanan** argue and permit the bread even in that case. If so, when would they say that it is assur to benefit from the wood!? **A: R' Ami bar Chama** said, if the wood was fashioned into a bench, it would be assur to use the bench.
- **Q: Rami bar Chama** asked **R' Chisda**, according to the **Rabanan** who permit the bread that was baked in an oven fueled by assur wood, what would the halacha be if the oven was fueled by wood of hekdesch? **A:** He said it would be assur.
 - **Q:** Why is the case of hekdesch different than orlah? **A: Rava** said, orlah becomes batel in 200, whereas hekdesch never becomes batel.
 - **Q: Rava** asked, when someone lights hekdesch wood on fire he commits me'ilah, and as such the wood becomes chullin. If so, it should not make the bread assur!? **A: R' Pappa** said, we are dealing with wood of a shelamim, and we are following the shita of **R' Yehuda** that kodashim kalim are not subject to me'ilah. Therefore, even if one uses it, it does not become chullin and remains assur.
 - **Q:** How can we say that when one lights wood of hekdesch it becomes chullin? A Braisa says that even the ashes of hekdesch remain assur!? **A: Rami bar Chama** said, that Braisa is discussing where a fire began on its own, not through an act of me'ilah, and that's why it remained hekdesch. **A2: R' Shmaya** said, that Braisa is discussing a particular type of hekdesch whose ashes remain assur (but other hekdesch ashes would not be assur), like terumas hadeshen.

R' YEHUDA OMER EIN BIUR...

- A Braisa says, **R' Yehuda** darshens a kal v'chomer: if nossar, which is not subject to bal yeiraeh and bal yimatzei, must be burned, surely chametz must be burned. The **Rabanan** said, that is not a good kal v'chomer, because it leads to a leniency (if one doesn't have fuel for a fire he would not have to destroy the chametz at all).
 - **R' Yehuda** then said we can learn it without the kal v'chomer. Nossar is assur to eat and chametz is assur to eat. Just as nossar must be burned, so too must chametz be burned. The **Rabanan** asked, neveilah is assur to eat and yet it need not be burned!?
 - **R' Yehuda** then said, nossar is assur to eat and to benefit from, and chametz is assur to eat and benefit from. Therefore, just as nossar must be burned, so too must chametz be burned. The **Rabanan** asked, an ox stoned by Beis Din is assur to eat and to benefit from and yet it need not be burned!?
 - **R' Yehuda** then said, nossar is assur to eat, to benefit from and carries a kares penalty, and chametz has these 3 characteristics as well. Therefore, just as nossar must be burned, so too must chametz be burned. The **Rabanan** asked, the cheilev fats of an ox stoned by Beis Din has these 3 characteristics and yet it need not be burned!?
 - **R' Yehuda** then said, nossar is subject to a lav against leaving it over, and chametz is as well. Therefore, just as nossar must be burned, so too chametz must be burned. The **Rabanan** asked, according to **R' Yehuda's** own shita, an asham talui and a bird chatas brought out of doubt, which are subject to a lav against leaving them over, and yet they need not be burned!?
 - **R' Yehuda** remained quiet to this challenge. **R' Yosef** said, it is ironic when something you say is questioned based on your own words (like this was here).